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November 20, 1989

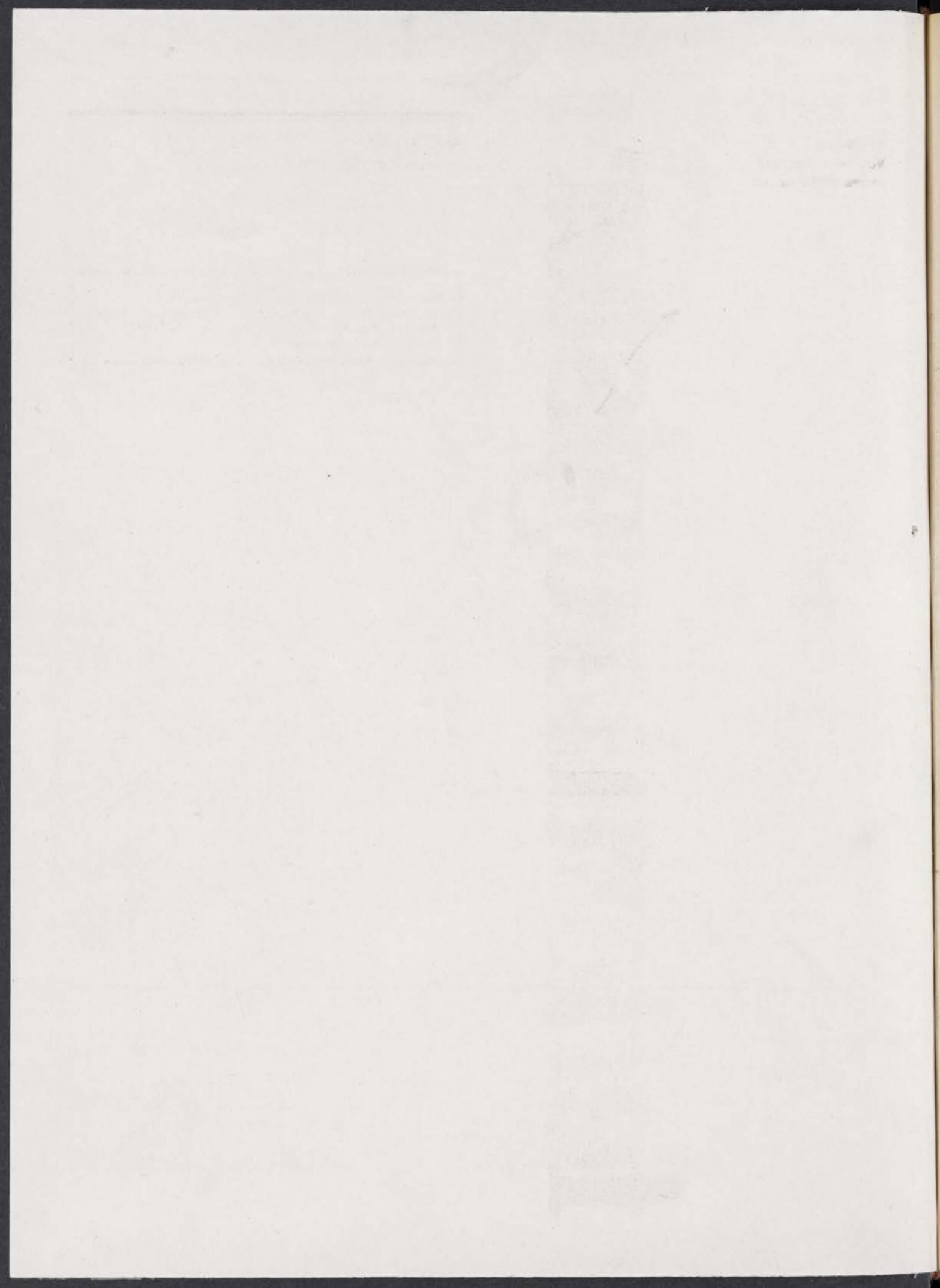
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FEDERAL REGISTER

Monday
November 20, 1989

Briefings on How To Use the Federal Register
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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the **Federal Register** and Code of Federal Regulations.
- WHO:** The Office of the **Federal Register**.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the **Federal Register** system and the public's role in the development of regulations.
 2. The relationship between the **Federal Register** and Code of Federal Regulations.
 3. The important elements of typical **Federal Register** documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SAN FRANCISCO, CA

- WHEN:** November 29; at 9:00 a.m.
WHERE: Room 1513B,
450 Golden Gate Avenue,
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RESERVATIONS: Call Mary Walters at the San Francisco Federal Information Center, 415-556-6600.

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- WHEN:** November 30; at 1:00 p.m.
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915 2nd Avenue,
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RESERVATIONS: Call Carmen Meler or Peggy Groff at the Portland Federal Information Center on the following numbers:
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WASHINGTON, DC

- WHEN:** December 7, at 9:00 a.m.
WHERE: Office of the **Federal Register**,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.

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Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1900 and 1957

Sale of Section 502 Rural Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule; guidelines.

SUMMARY: The Farmers Home Administration (FmHA) revises the guidelines in preparation for the transfer of subservicing responsibilities to the private sector. This action is necessary for the protection of the rights of borrowers whose loans were sold to the private sector under the provisions of the Omnibus Budget Reconciliation Act of 1986, Public Law 99-509 (OBRA). The intended effect of this action is to notify the public of how these borrower's rights will be protected under private sector servicing.

DATES: Effective on November 20, 1989. Comments must be received on or before December 20, 1989.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives and Forms Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Bldg., 14th and Independence Ave., SW., Washington, DC, 20250. All written comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Phil Girard, Senior Loan Specialist, Single Family Housing, Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, Washington, DC 20250, telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor.

It is the policy of this Department to publish for comment, rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking because it is now impractical to do so because of the time constraints associated with the transfer of the Agency's subservicing responsibilities to the private sector as required by the Subservicing Agreement between the Master Servicer and FmHA. Congress mandated the sale of RH assets to yield \$1.7 billion in proceeds by the end of FY 1987. The sale to the private sector, under provisions of the Omnibus Budget Reconciliation Act of 1986 (OBRA) occurred September 29, 1987. Servicing responsibilities shifted to the Master Servicer at the time of the sale as provided in Article III of the Pooling and Servicing Agreement. The Subservicing Agreement establishes that FmHA will act as subservicer for a transition period not to extend past September 30, 1989. Section 5.06 of the Loan Sale Agreement requires FmHA to effect an orderly transfer of servicing to the private sector. Because of the voluminous nature of the borrower loan files, an orderly transfer requires a staged turnover in order to complete the transaction ordered by OBRA by the September 30, 1989 deadline. This action provides basic information concerning the private sector's obligation to protect borrowers' rights as provided in FmHA regulations and of FmHA's limited involvement after transfer of subservicing responsibilities.

This document has been reviewed in accordance with 7 CFR part 1940, subpart C, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environment Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410, Low Income Housing

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Loans (section 502 Rural Housing Loans), and is not subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See 7 CFR 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983).

List of Subjects

7 CFR Part 1900

Appeals, Credit, Loan programs—Housing and community development.

7 CFR Part 1957

Account servicing, Interest credit, Loan programs—housing and community development, Mortgages, Rural housing.

Accordingly, 7 CFR chapter XVIII is amended as follows:

PART 1900—GENERAL

1. The authority citation for part 1900 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23 and 2.70.

Subpart B—Adverse Decisions and Administrative Appeals

2. In § 1900.51, paragraph (b) is revised to read as follows:

§ 1900.51 General.

(b) The Provisions of this subpart apply to program administrative decisions concerning all loans and grants made by FmHA. These include farmer program loans, housing loans (both single- and multi-family), community and business program loans, and all grant programs administered by FmHA. Hearings for single family housing loans sold to the Rural Housing Trust 1987-1 will be conducted by the Trust's Master Servicer acting through its subservicer. The borrower has the right to a review by the FmHA National Appeals Staff as defined in § 1900.58 of this subpart of hearing decisions made by the Master Servicer acting through its subservicer, except the State Director cannot be the initial review officer. The initial review will be conducted by the

Trust's Master Servicer acting through its subservicer.

* * * * *

3. Part 1957 is revised to read as follows:

PART 157—ASSET SALES

Subpart A—Rural Housing Asset Sales

- 1957.1 General.
- 1957.2 Transfer with assumptions.
- 1957.3 [Reserved]
- 1957.4 Graduation.
- 1957.5 [Reserved]
- 1957.6 Appeal reviews.
- 1957.7–1957.50 [Reserved]

Authority: Pub. L. 99-509, sec 2001(b)(1).

Subpart A—Rural Housing Asset Sales

§ 1957.1 General.

Pursuant to the Omnibus Budget Reconciliation Act of 1986, Public Law 99-509, the Farmers Home Administration sold certain of the portfolio of loans made under section 502 of the Housing Act of 1949 to the Rural Housing Trust, 1987-1. The sale was without recourse to FmHA except for certain provisions providing for FmHA's payment of interest credit amounts and agreement to compensate the Rural Housing Trust 1987-1 for future cash flow changes due to revised borrowers rights as set forth in FmHA regulations. The sale documents to Rural Housing Trust 1987-1 recognize that the FmHA loans were assigned subject to rights provided to these borrowers under documentation to recognize the rights of FmHA borrowers under regulations of FmHA as they may exist from time to time and to service the loans in accordance with then current FmHA regulations. In addition, as provided in § 1957.6 of this subpart, FmHA has retained review, but not hearing authority under the FmHA Appeal Procedure, 7 CFR part 1900. Subpart B. Failure of private servicers to comply with FmHA regulations in servicing loans sold to the Rural Housing Trust 1987-1 may be redressed in the review process under the Appeal Procedure.

§ 1957.2 Transfer with assumptions.

FmHA regulations governing transfers and assumptions will not apply to these loans. Individuals who want to purchase property securing a loan held by the Rural Housing Trust 1987-1, and who are eligible for an FmHA § 502 loan will be given the same priority by FmHA as a transferee of a § 502 loan if the property is then suitable for the FmHA RH program and is located in an eligible area. The Master Servicer of the Rural Housing Trust, 1987-1, may permit an assumption if it is deemed by the Master

Servicer to be in the financial interest of the Trust, but in such case the transferee would not be eligible for FmHA loan servicing benefits under FmHA regulations.

§ 1957.3 [Reserved]

§ 1957.4 Graduation.

Borrowers will not be required to graduate to other credit.

§ 1957.5 [Reserved]

§ 1957.6 Appeal reviews.

The Master Servicer, acting through its subservicer, will have the responsibility to conduct hearings under the appeal process. Final review of an adverse decision upheld under the appeal process will remain with FmHA and be conducted by the Agency's National Appeal Staff, Washington, DC, under the FmHA Appeal Procedures, 7 CFR part 1900, subpart B. This review is final and will conclude the appellant's administrative appeal process.

§ 1957.7–1957.50 [Reserved]

Dated: September 21, 1989.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 89-20961 Filed 11-17-89; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Parts 1902, 1941, 1943, 1945, 1962, and 1980

Removal of Obsolete Forms From Farmer Program Regulations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations to remove references to several obsolete forms. The intended effect is to update references to forms in the Agency's regulations. This action is the result of an internal forms review.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT:

Mary Ferguson—Loan Specialist—Insured Loan Making Branch Farmer Programs—Loan Making Division, FmHA, USDA, Room 5428-S, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 475-4018.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only

internal Agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal agency management, making publication for comment unnecessary.

The amended regulations remove the following forms: FmHA Forms 402-5, Deposit Agreement-Non FmHA Funds; 432-9, Social Security Taxes Paid During the Year for Hired Labor; 440-6, Severance Agreement; 443-2, Option for Purchase of Farm Land to be Subdivided; 443-3, Assignment of Interest in Option; 443-4, Designation of Assignee of Interest in Options; 443-5, Short Term Lease of Optional Land; 443-6, Short Term Lease; 443-8, Agreement (Between Seller, Purchaser and Tenant); 443-10, Acceptance of Option by Assignee; 443-11, Acceptance of Option by Buyer (Land to be Subdivided); 443-12, Farm Ownership and Individual Soil and Water Fund Analysis; 462-10, FmHA Answer to Request for Information; 1924-14, Notice—Farmer Program Borrower Servicing Options Including Deferral and Borrower Responsibilities; 1940-37, Economic Emergency Loan Analysis; 1941-7, OL, and Other Credit Analysis; 1945-20, Applicant's Environmental Impact Evaluation; 1945-23, Applicant's Certification (Insured Economic Emergency); 449-12, Request for Loan Note Guarantee (Farmer Program Loans); 449-26, Certificates of Lender and Applicant (Emergency Livestock Loan); 449-31, Emergency Livestock Loan Analysis; and 1980-32, Lender's Certification. Form FmHA 1980-25, Request for Guarantee (Farmer Program Loans) is being combined with Form FmHA 449-12 to create a revised Form FmHA 1980-25. This will allow for the deletion of the Form FmHA 449-12 and will allow for the use of only one form instead of two.

This action affects the following programs listed in the catalog of Federal Domestic Assistance:

- 10.406 Operating Loans
- 10.407 Farm Ownership Loans
- 10.418 Soil and Water Loans
- 10.404 Emergency Loans

This program/activity is not subject to the provisions of Executive Order 12372, which required intergovernmental consultation with State and local officials. See 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home

Administration Programs and Activities." (December 23, 1983).

This document has been reviewed in accordance with FmHA Instruction 1940-G, "Environmental Program." FmHA has determined that this final action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environment Policy Act of 1969, Public Law 91-190, and Environmental Impact Statement is not required.

List of Subjects

7 CFR Part 1902

Accounting, Banks, Banking, Grant programs—Housing and community development, Loan programs—Agriculture, Loan programs—Housing and community development.

7 CFR Part 1941

Crops, Livestock, Loan Programs—Agriculture, Rural areas, Youth,

7 CFR Part 1943

Credit, Loan programs—Agriculture, Recreation, Water resources.

7 CFR Part 1945

Agriculture, Disaster assistance, Intergovernmental relations, Livestock, Loan programs—agriculture.

7 CFR Part 1962

Crops, Government property, Livestock, Loan Programs—Agriculture, Rural areas.

7 CFR Part 1980

Agriculture, Loan programs—Agriculture.

Therefore, Chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1902—SUPERVISED BANK ACCOUNTS

1. The authority citation for Part 1902 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Loan and Grant Disbursement

2. Section 1902.1 (i) is revised to read as follows:

§ 1902.1 General.

(i) Supervised bank accounts referred to in this Subpart are bank, savings and loan, or credit union accounts established through deposit agreements entered into between the borrower, the United States of America acting through the FmHA, and the Financial Institution

on Form FmHA 402-1, "Deposit Agreement".

* * * * *

3. Section 1902.1 is amended by removing paragraph (k) and redesignating paragraph (l) as paragraph (k), and by inserting a period after the words "Form FmHA 402-1," and removing the remainder of the sentence, from newly redesignated paragraph (k).

§ 1902.2 [Amended]

4. Section 1902.2 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

§ 1902.10 [Amended]

5. Section 1902.10(c) is amended by inserting a period after the words "Form FmHA 402-1" and removing the remainder of the sentence.

PART 1941—OPERATING LOANS

6. The authority citation for part 1941 is revised to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Operating Loan Policies, Procedures, and Authorizations

§ 1941.19 [Amended]

7. Section 1941.19(g)(2) is amended by inserting a period after the words "Consent and Subordination Agreement" and removing the remainder of the sentence.

Exhibit A to subpart A [Amended]

8. Exhibit A of subpart A is amended under the title "Docket Preparation" by removing from the table the entry for form numbers "440-6" and "1941-7," and in paragraph B under the title "Loan Approval and Closing" by removing from the table the entry for form number "402-5."

Subpart B—Closing Loans Secured by Chattels

§ 1941.60 [Amended]

9. Section 1941.60(d) is amended by inserting in the last sentence a period after the words "Consent and Subordination Agreement" and removing the remainder of the sentence.

§ 1941.67 [Amended]

10. Section 1941.67 is amended by deleting the phrase "severance agreement," from the introductory text, and by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

§ 1941.96 [Amended]

11. Section 1941.96(b) is amended in the first sentence by adding a period

after the word "revised" and removing the remainder of the sentence.

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

12. The authority citation for part 1943 is revised to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Insured Farm Ownership Loan Policies, Procedures and Authorizations

§ 1943.25 [Amended]

13. Section 1943.25 is amended by removing paragraph (a)(3).

§ 1943.32 [Amended]

14. Section 1943.32(a) is amended in the table of forms by removing the entry for form numbers "443-12" and "443-8," and at the bottom of the table by removing "footnote 2."

§ 1943.34 [Amended]

15. Section 1943.34(b) and (c) are revised to read as follows:

§ 1943.34 Requesting title service and accepting option.

* * * * *

(b) The applicant will sign Form FmHA 440-35, "Acceptance of Option," and send the original to the seller if land is being acquired. A copy will be kept in the case folder.

(c) The applicant will arrange with the seller to take possession when land is being acquired.

Subpart B—Insured Soil and Water Loan Policies, Procedures and Authorizations

§ 1943.82 [Amended]

16. Section 1943.82 is amended in the table of forms by removing the entry for form number "443-12 2," and at the bottom of the table by removing "footnote 2."

PART 1945—EMERGENCY

17. The authority citation for part 1945 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart C—Economic Emergency Loans

§ 1945.128 [Amended]

18. Section 1945.128(b) is amended in the first sentence by inserting a period after the words "(operating or real estate)" and removing the remainder of the sentence.

**Subpart D—Emergency Loan Policies,
Procedures and Authorizations**

19. Exhibit A of Subpart D, paragraph III A.5., is amended in the table of forms by removing the entry for form numbers "443-2," "443-3," "1924-14" and "1945-20."

20. Exhibit A of Subpart D, paragraph IV D., is amended in the table of forms by removing the entry for form number "440-6."

21. Exhibit A of Subpart D, paragraph V B. 2., is amended in the table of forms by removing the entry for form numbers "402-5" and "1924-14."

PART 1962—PERSONAL PROPERTY

22. The authority citation for part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

**Subpart A—Servicing and Liquidation
of Chattel Security**

§ 1962.14 [Amended]

23. Section 1962.14 (a) is amended by removing the last sentence.

PART 1980—GENERAL

24. The authority citation for part 1980 is revised to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—General

§ 1980.13 [Amended]

25. Section 1980.13 (b)(2) is amended

in the last sentence by removing the words "Form FmHA 449-12, 'Request for Loan Note Guarantee;' or" and by changing the title of Form FmHA 1980-25 to read "Request for Guarantee (Farmer Program Loans)."

§ 1980.83 [Amended]

26. Section 1980.83 (a) is amended in the second sentence by changing the title of Form FmHA 1980-25 to "Request for Guarantee (Farmer Program Loans)".

27. Appendix G of Subpart A of Part 1980 is revised to read as follows:

**Appendix G—Request for Guarantee
(Farmers Program Loans)**

BILLING CODE 3410-07-M

Appendix G

Position 3

USDA-FmHA
Form FmHA 1980-25
(Rev. 10-89)

FORM APPROVED
OMB NO. 0575-0079

REQUEST FOR GUARANTEE
(Farmers Programs Loans)

TO: Farmers Home Administration (FmHA)		Case No. (Borrower's Soc. Sec. or IRS Tax No.)	State _____
Type of Loan <input type="checkbox"/> FO <input type="checkbox"/> SW <input type="checkbox"/> OL <input type="checkbox"/> OL Line of Credit		County _____	
Applicant's Name _____		Applicant's Address _____	
Lender Requests a Loan Note Guarantee		Lender Requests a Contract of Guarantee for a Line of Credit	
Principal Amount of Loan \$ _____		Line of Credit Ceiling	\$ _____
		Principal Amount of Initial Advance	\$ _____

The undersigned Lender requests issuance of a guarantee in the subject case.

THE FOLLOWING INFORMATION AND DOCUMENTS ARE SUBMITTED FOR YOUR CONSIDERATION:

1. Copy of Application for Loan with enclosures.
2. Cash flow sheet.
3. Any drawing and specifications for: construction major repairs major land development
4. Appraisal report on any real estate security.
5. Purposes for which guarantee loan funds will be used and the amounts to be used for such purposes are:

PURPOSES	AMOUNTS
	\$ _____

6. Interest rate to borrower is _____ % per annum.
7. Loan fee payable by loan applicant is _____ % of principal amount of loan or \$ _____.
8. Repayment period for the loan or line of credit is _____ year(s).
9. Proposed loan guarantee is _____ % of the principal and interest.
10. Escrow account is required for: Taxes Insurance premiums Other (specify) _____
11. The undersigned Lender is subject to examination and supervision by _____

(Insert name of agency of United States or State, or "None")

*Insert "None;" or if Lender charges a loan fee, insert percentage or dollars.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OHRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0079), Washington, D.C. 20503.

12. Loan(s) will be made, and/or serviced, by the undersigned's:

Main office address: _____

Branch office: _____
(Name of office)

Branch office address: _____

Agent: _____

(Name of Agent)

Agent's address: _____

13. Initial loan/line of credit is scheduled for repayment: _____

(Maturity date for line of credit agreement and/or dates of monthly, annual, or other installments)

14. Late payment charges, if any, are made on the following basis pursuant to a written agreement between the applicant and the undersigned Lender as required by 7 CFR 1980.22:

15. Types and amounts of insurance required are:

Types	Amounts
	\$
	\$

16. List of Required Security Property
(Including That on Hand and to be Acquired)

DESCRIPTION OF PROPERTY

Appraiser's Certificate on Personal Property

Personal property listed above, if any, was appraised by me at the values set forth opposite the description thereof.

(Date)

(Appraiser)

*Quantity and brief description. For example: "Smith farm 160 acres," (based on separate appraisal report)
"1-1972 John Deere 2520 Tractor," "25 Hereford range cows, 3-6 years."

B. TO BE ACQUIRED—FIRST LIEN IS REQUIRED	VALUE**
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
TOTAL	\$

**Value of Real Estate based on separate appraisal report.

17. Plan of Operation agreed upon by Lender and loan applicant for first full operating year

a. PLANNED CROPS, PASTURE, ETC.-PRODUCTION AND SALES

CROPS, PASTURE, ETC.	ACRES	YIELD PER ACRE	OPERATOR'S SHARE	OPERATOR'S SHARE FOR SALE		
				AMOUNT	\$/unit	VALUE
1.						\$
2.						
3.						
4.						
5.						
TOTAL						\$

b. PLANNED LIVESTOCK AND PRODUCTS PRODUCTION AND SALES

KIND	PRODUCTION PER ANIMAL	NUMBER	OPERATOR'S SHARE	OPERATOR'S SHARE FOR SALE		
				AMOUNT	\$/unit	VALUE
1.						\$
2.						
3.						
4.						
5.						
TOTAL						\$

18. CASH OPERATING EXPENSES	TOTAL CREDIT NEEDED	TOTAL PLANNED EXPENSES
Hired Labor	\$ _____	\$ _____
Machinery Repair	\$ _____	\$ _____
Interest	\$ _____	\$ _____
Cash Rent	\$ _____	\$ _____
Feed	\$ _____	\$ _____
Seed	\$ _____	\$ _____
Fertilizer	\$ _____	\$ _____
Pesticides & Spray Materials	\$ _____	\$ _____
Livestock Expense	\$ _____	\$ _____
Machinery Hire	\$ _____	\$ _____
Fuel and Oil	\$ _____	\$ _____
Personal Prop. Tax	\$ _____	\$ _____
Real Estate Taxes	\$ _____	\$ _____
Water Charges	\$ _____	\$ _____
Property Insurance	\$ _____	\$ _____
Auto & Truck Expense (Farm)	\$ _____	\$ _____
Utilities	\$ _____	\$ _____
Feeder Livestock (Bought & sold during year)	\$ _____	\$ _____
Family Living Expenses	\$ _____	\$ _____
Other	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____

19. Financial Summary of Typical Years Operation

A. Livestock Income (Table 17b)	\$ _____
B. Crop Income (Table 17a)	\$ _____
C. Other Farm Income	\$ _____
D. Non-Farm Income (net)	\$ _____
E. Total Gross Income (A + B + C + D)	\$ _____
F. Total Cash Expenses (Table 18)	\$ _____
G. Net Cash Income (E minus F)	\$ _____
H. Cash Carryover	\$ _____
I. Loans and Other Credit	\$ _____
J. Interest	\$ _____
K. Total Available (G + H + I + J)	\$ _____
L. Capital Expenditures	\$ _____
M. Balance Available to Debt Repayment (K-L)	\$ _____

20.	TO WHOM OWED	DEBT REPAYMENT		PLAN	
		AMOUNT DUE FIRST YEAR (PRIN. & INT.)	PRIN. & INT. TO BE PAID	DATE	SOURCE OF FUNDS
		\$ _____	\$ _____	_____	_____
		\$ _____	\$ _____	_____	_____
		\$ _____	\$ _____	_____	_____
		\$ _____	\$ _____	_____	_____
		\$ _____	\$ _____	_____	_____
		\$ _____	\$ _____	_____	_____
Income and Social Security Taxes		\$ _____			
TOTAL		\$ _____			

21. The loan will be properly closed and/or line of credit agreement will be properly executed and the required security obtained. The construction, relocation, repairs, or other development will be completed in accordance with approved drawings and specifications.
22. The borrower has marketable title to security property now owned (and will obtain such title to any additional property to be acquired with loan funds), subject only to the instruments securing the loan to be guaranteed and any other exceptions set forth below:
23. Security property now owned and any acquired is considered adequate security for the loan to be guaranteed. If inadequate, state in item 31 of this form, why you believe the borrower's farm or ranch operating plans will permit the borrower to pay the guaranteed loan or line of credit in full within the period specified, in item 8, on page one of this form. The security instruments will be properly filed or recorded prior to, or simultaneously with, the issuance of the guarantee; except that if security property is yet to be acquired in a jurisdiction in which an after acquired property clause is not valid, a security instrument covering such property will be obtained as soon as appropriate and legally permissible. Loan funds will be used for FmHA-approved purposes.
24. Proper hazard and any other required insurance will be obtained or is now in effect.
25. Truth in Lending requirements will be met.
26. All Equal Opportunity and Nondiscrimination requirements will be met (or any that cannot yet be met will be met at the appropriate time).
27. A Guarantee Fee Report on Form FmHA 1980-19 and a check for the amount of the guarantee will be provided at the time the Guarantee is issued.
28. The undersigned (a) considers the proposed loan or line of credit to be sound and within the borrower's repayment ability, (b) believes that all applicable requirements in Subparts A, B, C or F of Part 1980, 7 CFR have been or will be met and (c) will not make the loan or advances under the line of credit without an FmHA guarantee.
29. If loan funds are to be used at or after the time of loan closing for acquisition of substantial amounts of property, or for construction or substantial repairs or major land development, certification(s) on Form FmHA 449-11, "Certification of Acquisition or Construction," will be furnished on that part acquired at loan closing, and will be furnished to FmHA as soon as possible on such subsequent acquisitions, construction, repair or land development.
30. Lender's Planned Loan Servicing:
31. Other Relevant Information:

(Name of Lender)

(Date)

BY: _____

TITLE: _____

(Lender's IRS ID Tax No.)

32. From an examination of information supplied by the Lender on the above proposed loan or line of credit, the county committee certification, or recommendation and other relevant information deemed necessary, it appears that the transaction can properly be completed.

Therefore, the United States of America acting through the FmHA agrees that, in accordance with applicable provisions of the FmHA regulations published in the Federal Register and related forms, it will execute Form FmHA 1980-27, "Contract of Guarantee (Line of Credit)," or Form FmHA 449-34, "Loan Note Guarantee," on the above loan or line of credit at the time, subject to the conditions and requirements specified in said regulations and Form FmHA 1980-15, "Conditional Commitment for Contract of Guarantee (Line of Credit)," or Form FmHA 449-14, "Conditional Commitment for Guarantee," attached.

If the Contract of Guarantee or Loan Note Guarantee is executed and the guaranteed fee, if any, is paid by the Lender to FmHA, the loan subsidy rate, if any, payable by FmHA to the Lender, and the interest rate payable by the borrower in cases which that rate is limited by statute or is fixed from time to time pursuant to statute, will be those rates in effect on the date of this approval.

Rate payable by borrower _____ % per annum.

This approval will expire _____ days from the date hereof unless the time is extended in writing by FmHA, or upon the Lender's earlier notification in writing to FmHA that it does not desire to obtain an FmHA guarantee.

UNITED STATES OF AMERICA

FARMERS HOME ADMINISTRATION

(Date)

BY: _____

TITLE: _____

Subpart B—Farmer Program Loans**§ 1980.113 [Amended]**

28. Section 1980.113 (d)(3) is amended by removing the words "Form FmHA 449-12, 'Request for Loan Note Guarantee (Farmer Program Loans)' or" and by changing the title of Form FmHA 1980-25 to read "Request for Guarantee (Farmer Program Loans)."

Exhibit A to Subpart B—Approved Lender Program—Farm Ownership and Operating Loans [Amended]

29. Exhibit A, paragraph III. A. is amended in the seventh sentence by changing the reference "Form FmHA 449-12, 'Request for Loan Note Guarantee (Farmer Program Loans)' to read "Form FmHA 1980-25, 'Request for Guarantee (Farmer Program Loans)'," and in the twelfth sentence by changing the reference "item 28 of Form FmHA 449-12" to read "item 20 of Form FmHA 1980-25."

Subpart C—Emergency Livestock Loans**§ 1980.246 [Amended]**

30. Section 1980.246 is amended by removing paragraph (a)(4) and redesignating paragraphs (a)(5), (a)(6) and (a)(7) as paragraphs (a)(4), (a)(5) and (a)(6), respectively; by changing the reference in paragraph (a)(1), "Form FmHA 449-6, 'Application for Guaranteed Loan (Farmer Programs)' to read "Form FmHA 410-1, 'Application for FmHA Services,' and by changing the reference in the newly designated paragraph (a)(4), "Form FmHA 1980-25, 'Request for Guarantee (Operating Loan Line of Credit, Emergency Livestock Loan, or Economic Emergency Loan)' to read "Form FmHA 1980-25, 'Request for Guarantee (Farmer Program Loans).'"

§ 1980.247 [Amended]

31. Section 1980.247 *Administrative B.2.* is amended by changing the reference "Form FmHA 440-1" to read "Form FmHA 1940-1" (in three places), and by removing in the first sentence the words, "and Form FmHA 449-31, 'Emergency Livestock Loan Analysis.'"

32. Section 1980.247 *Administrative C.2.* is amended by changing the reference, "Form FmHA 440-1" to read "Form FmHA 1940-1."

Appendix A to Subpart C [amended]

33. In Appendix A of Subpart C, paragraph (a) is amended by removing the entry in the table for form numbers "449-26" and "449-31," by changing the form number and title, "449-6, 'Application for Guaranteed Loan

(Farmer Programs)' " to read "410-1, 'Application for FmHA Services,' " by changing the title of form number 1980-25 to read, "Request for Guarantee (Farmer Program Loans)," and by changing the form number "440-1" to read "1940-1."

Subpart F—Economic Emergency Loans**§ 1980.511 [Amended]**

34. Section 1980.511 is amended by removing paragraph (a)(4) and redesignating paragraphs (a)(5) and (a)(6) as paragraphs (a)(4) and (a)(5), respectively; by changing the reference in paragraph (a)(1), "Form FmHA 449-6, 'Application for Guaranteed Loan (Farmer Programs)' to read, "Form FmHA 410-1, 'Application for FmHA Services'"; and by changing the reference in paragraph (c)(2), "Form FmHA 1980-25, 'Request for Guarantee (Operating Loan Line of Credit, Emergency Livestock Loan, or Economic Emergency Loan)' to read "Form FmHA 1980-25, 'Request for Guarantee (Farmer Program Loans).'"

§ 1980.513 [Amended]

35. Section 1980.513 *Administrative A.2.* is amended in the first sentence by removing the reference "Form FmHA 1940-37, 'Economic Emergency Loan Analysis.'"

§ 1980.577 [Amended]

36. Section 1980.577 (b) is amended by changing the reference "Form FmHA 449-6" to read "Form FmHA 410-1."

§ 1980.593 [Amended]

37. Section 1980.593 (b) is amended by removing from the first sentence the reference "FmHA 1980-32, 'Lender's Certification (Guaranteed Economic Emergency Loan)'," by revising the title of Form FmHA 1980-25 to read "Request for Guarantee (Farmer Program Loans)," and by removing the last sentence.

Appendix A to Subpart F [Amended]

38. In Appendix A of Subpart F, paragraph (a), is amended in the table of forms by removing the entry for form numbers "1980-32" and "1940-37," by changing the form number and title "449-6, 'Application for Guaranteed Loan (Farmer Programs)' to read "410-1, 'Application for FmHA Services,'" and by changing the title of form number 1980-25 to read "Request for Guarantee (Farmer Progam Loans)."

Appendix B to Subpart F [Removed]

39. Appendix B of Subpart F is removed and reserved.

Dated: May 24, 1989.

Neal Sox Johnson,
Acting Administrator, Farmers Home Administration.

[FR Doc. 89-26960 Filed 11-17-89; 8:45 am]
BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****8 CFR Part 245**

INS Number: 1253-89

Adjustment of Status to That of Person Admitted for Permanent Residence: Interview

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Temporary rule.

SUMMARY: Existing regulations require that all applicants for adjustment of status to that of permanent resident be interviewed by an immigration officer, except those applicants who are under age 14 or who are clearly ineligible for having lived or worked illegally in the United States. This temporary rulemaking will suspend the interview requirement for one year with regard to applicants for adjustment of status under the provisions of the Cuban Adjustment Act of November 1, 1966. This action is necessary because of the large backlog of these cases now pending at certain offices of the Immigration and Naturalization Service ("the Service"). Suspension of the requirement will allow the Service to adjudicate these applications at Regional Service Centers located in other parts of the United States rather than at the overburdened offices and will enable those offices to eliminate their backlogs of pending cases.

DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT: Michael L. Shaul, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Act of November 2, 1966 (80 Stat. 1161), commonly referred to as the Cuban Adjustment Act, as amended by the Act of October 20, 1976 (90 Stat. 2703) provides that the status of any alien who is a native or citizen of Cuba and who has been inspected and admitted or paroled into the United States subsequent to January 1, 1959, and has been physically present in the United

States for at least one year, may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if the alien makes application for such adjustment, and the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. The regulations pertaining to such applications for permanent residence are set forth in 8 CFR part 245 and require at 8 CFR 245.9 that each applicant over the age of 14 be interviewed by an officer of the Immigration and Naturalization Service. This temporary rulemaking suspends the interview requirement for a period of one year from the date of publication.

Suspension of the interview requirement is necessary in order to allow the Service to shift the existing workload from certain Service offices, notably those located in Florida, to offices in other parts of the United States which do not have comparable backlogs. Because of the extremely large proportion of Cuban refugees who settled in Florida and a few other locations, the number of applications for adjustment under the Cuban Adjustment Act has far exceeded the ability of Service offices located in that State to adjudicate. Offices located in other States which have the resources needed to adjudicate the applications are currently unable to do so due to the interview requirement.

Although the interview procedure can be a useful tool in obtaining information pertinent to the adjudication of the application, the Service has determined that the probability of gathering such information in applications for adjustment of status does not warrant the extremely long waiting periods now existing at the offices in Florida and other locations. Therefore, the Service is waiving the interview requirement for a period of time necessary to eliminate the backlog at the overburdened offices.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

The Service has determined that notice and public comment regarding this final rule are unnecessary under 5 U.S.C. 553(d)(B) because this rule relates to agency management. These changes will reduce unnecessary and duplicative reporting burdens on the public.

List of Subjects in 8 CFR Part 245

Aliens, Employment, Health care, Immigration, Passports and visas.

Accordingly, Part 245 of Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

1. The authority citation for part 245 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1154, 1182, 1186a, 1255 and 1257; 8 CFR part 2.

2. Section 245.9 is revised to read as follows:

§ 245.9 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. This interview may be waived in the case of a child under the age of 14; when the applicant is clearly ineligible under section 245(c) of the Act or § 245.1; or in the case of an applicant for adjustment of status under the provisions of the Act of November 2, 1966, provided such application is filed prior to November 20, 1990.

Dated: November 1, 1989.

Richard E. Norton,

*Associate Commissioner, Examinations,
Immigration and Naturalization Service,
[FR Doc. 89-27126 Filed 11-17-89; 8:45 am]*

BILLING CODE 4410-10-M

Distribution in an interim rule published on November 25, 1988.

EFFECTIVE DATE: December 20, 1989.

FOR FURTHER INFORMATION CONTACT:
Alan Odendahl, Economist, Size Standards Staff, (202) 653-6373.

SUPPLEMENTARY INFORMATION: A proposed rule was published in the *Federal Register* on February 9, 1989 (54 FR 6298) which proposed establishing a residual size standard of \$3.5 million in average annual receipts for 52 Standard Industrial Classification (SIC) industries for which no size standard now exists. This is the same size standard that is used as the residual size standard within SIC Division I—Services, for all service industries in that Division not specifically listed with a size standard. No comments have been received to date concerning the proposed rule, either during or after the public comment period which ended March 13, 1989.

The need for a residual size standard for these uncovered industries was originally signalled in late 1987, when an application for financial assistance was received by SBA from a firm in the commodity contracts brokers and dealers industry (SIC code 6221). This industry was one of 54 four-digit SIC industries (excluding Division J—Public Administration) for which SBA did not, at that time, have an established size standard. As a result, SBA established an emergency interim size standard for Commodity Contracts Brokers and Dealers on August 9, 1988 (53 FR 20876).

In the latter part of 1988, several Federal agencies contacted SBA regarding a number of current or planned solicitations for natural gas distribution (SIC code 4924). A size standard was needed to identify small and small disadvantaged businesses bidding on and receiving those procurements. Again, SBA responded by publishing an emergency interim size standard of 500 employees for Natural Gas Distribution on November 25, 1988 (53 FR 47663).

Until now, no size standard existed for eight four-digit SIC industries within SIC Division E (Transportation, Communications, Electric, Gas, and Sanitary Services); 43 four-digit industries within SIC Division H (Finance, Insurance and Real Estate); and SIC code 9999, Nonclassifiable Establishments (the only industry in SIC Division K (Nonclassifiable Establishments)). This final rule establishes a size standard of \$3.5 million in average annual receipts for these industries. (SIC Division J—Public Administration, remains uncovered; it is

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards for Industries Without an Established Size Standard

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is establishing as a final rule a residual size standard of \$3.5 million in average annual receipts for 52 selected industries for which no size standard exists at present. Size standards are needed to establish eligibility for SBA's financial assistance, procurement assistance and other programs. A residual standard eliminates the necessity of separate rulemaking for each industry as requests arise. The present rule incorporates the size standard of \$3.5 million average annual receipts established for the Commodity Contracts Brokers and Dealers industry in an interim rule published on August 9, 1988. The present residual rule does not incorporate or change the size standard of 500 employees established for Natural Gas

totally outside the scope of any of SBA's programs.)

Although requests for SBA assistance under any of its programs in these 52 uncovered industries are rather rare, the incidents related above show that they do occasionally occur. Publication of a residual size standard eliminates separate rulemaking as the need recurs in each new industry.

The notice of February 9, 1989, proposing the residual size standard, pointed out that none of these 52 industries is included in the economic censuses compiled and published by the U.S. Bureau of the Census. Data from other sources are scanty and sometimes contradictory on the size structure of (and even the total number of firms in) many of these industries.

As explained in the proposed rule, it was judged more appropriate to apply one of the "anchor standards" to the uncovered industries, rather than to adopt and justify some other size standard weakly supported by available evidence.

"Anchor standards" refer to either of two size standards adopted by SBA's Size Policy Board in 1985 as reference points from which specific standards may vary when supported by statistical evidence. For all receipts-based size standards, the anchor standard is \$3.5 million and for employee-based size standards, 500 employees was adopted as the anchor standard. The latter anchor size standard applies primarily to the manufacturing and mining industrial divisions. None of the 52 uncovered industries is in either manufacturing or mining.

The \$3.5 million annual receipts anchor standard is the most common standard in effect today for the retail trade and services industries. It represents inflationary adjustments to a single standard of \$1,000,000 average annual receipts established in 1963 for the entire retail trade and services industry divisions.

In addition, the standard adopted herein merely extends to the 52 industries, the same \$3.5 million annual receipts figure already in use as the residual size standard for all industries within SIC Division I—Services which are not specifically listed in the size standards table (13 CFR part 121.2(d), Table 2) under that Division (49 FR 39996, October 12, 1984; 50 FR 10495, March 15, 1985). If more precise and complete data become available for one or more individual industries, SBA will use authorized rulemaking procedures, including opportunity for public

comments, to effect the appropriate adjustments.

As indicated above, the initial impetus toward establishment of a residual size standard came from consideration of the Commodity Contracts Brokers and Dealers industry (SIC code 6221). The reasoning behind applying the \$3.5 million annual receipts anchor size standard to this industry was identical to that used herein. In addition, no comments were received from the public about this interim \$3.5 million size standard after publication on August 9, 1988. For these reasons, instead of a separate publication of a final rule for commodity contracts brokers and dealers, SBA has decided to incorporate that rule into the residual rule promulgated herein. Accordingly, the residual size standard of \$3.5 million average annual receipts established in this rule applies also to Commodity Contracts Brokers and Dealers (SIC code 6221).

This final rule, however, does not apply to SIC code 4924—Natural Gas Distribution. The emergency interim size standard for natural gas distribution is 500 employees, and a final rule for this industry will either reaffirm the 500 employees or adopt some other employee-based standard as deemed appropriate. A standard of \$3.5 million average annual receipts appears inordinately low for this industry based on a preliminary analysis of its size structure.

Compliance With Regulatory Flexibility Act, Executive Orders 12291 and 12612, and the Paperwork Reduction Act

SBA certifies that this rule is not a major rule within the meaning of Executive Order 12291 because it is not expected to have an annual economic impact of \$100 million or more. The economic impact study relating to this rule is summarized below since it was included in the proposed rule (54 FR 6299, February 9, 1989).

Based on data in the United States Establishment and Enterprise Microdata file (USEEM) of SBA's small business data base, there are about 46,700 firms in the 52 industries now without SBA size standards. The establishment of this residual \$3.5 million annual receipts size standard makes an estimated 34,700 firms eligible for small business set-aside Federal contracts.

Because most firms in the finance, insurance and real estate industries are not eligible for loans under SBA's regulations, a much smaller number, estimated at 13,240 firms, will meet the size eligibility requirements for SBA

financial assistance. Of those, only a small number of firms are likely to request financial assistance from SBA. Public utility firms supplying gas and electric services are usually regulated monopolies in their localities and are sufficiently creditworthy to be able to obtain financing without SBA guarantees. The same is presumably true of telegraph companies, security brokers, functions related to banking, services allied with the exchange of securities and commodities, and perhaps investment advisors.

Data from the Federal Procurement Data Center show \$554.5 million of total Federal procurement in fiscal year 1988 from firms in the 52 industries. If one assumes that small firms with \$3.5 million or less in receipts will participate in the Federal market in the same proportion as their share of total industry sales to all buyers, the expected small business share of Federal procurements would be about \$23.3 million. (This 1988 figure is down from the fiscal year 1987 estimate of a \$41 million small business share of Federal procurement of \$467.7 million, as stated in the proposed rule, due mainly to an overestimate of the expected small business share for SIC code 4931, Electric and Other Services Combined.)

However, there are strong reasons for believing that the actual economic impact on firms of any size will be considerably less than \$23.3 million. Examining Federal procurement data more closely reveals that of total Government procurement of \$174.1 billion in fiscal year 1988, \$26.7 billion (14.7 percent) went to small businesses under sole source, unrestricted or set-aside contracts. Of this figure, only \$11.4 billion, or 42.9 percent was awarded through small business set-asides. Another \$3.4 billion, or 13.2 percent of the small business total, was awarded under the 8(a) program. Thus, about 56.1 percent of all small business awards result from or are influenced by SBA programs and SBA size standards. The remaining 44 percent of small business contracts are either noncompetitive or are won by small firms in unrestricted competition.

Taking the above factors together, the expected maximum procurement impact from establishing this residual size standard can be estimated roughly at about \$13 million instead of \$23.3 million.

In the past, firms in these 52 industries have generally not requested SBA financial assistance. Based on requests

received to date in all programs, SBA anticipates that one of the 52 industry size standards would be required only three to four times a year.

Accordingly, SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities. Similarly, this regulation is not likely to result in a major increase in costs or prices or have a significant effect on the United States economy. This rule poses no new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C., chapter 35. Finally, SBA certifies that this proposed rule will not have federalism implications warranting the preparation of a federalism assessment in accordance with Executive Order 12612.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Loan programs—business, Recording and recordkeeping requirements, Small business.

Accordingly, part 121 of 13 CFR is amended as follows:

PART 121—[AMENDED]

1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 3(a) and 5(b)(6) of the Small Business Act, 15 U.S.C. 632(a) and 634(b)(6) and Pub. L. 99-591, 99-661 and 100-656.

§ 121.2 [Amended]

2. Section 121.2(d), Table 2, is amended by revising the column headings and adding a note after the column headings and before "Division A—Agriculture" as follows:

SIC	Description	Size
(* = New SIC code in 1987, not used in 1972).	(N.E.C.—Not Elsewhere Classified).	Standards in number of employees or millions of dollars.

NOTE.—For all industries not specifically listed in this table, except for those in Divisions I and J of the SIC System, the size standard is \$3.5 million in annual receipts.

* * * * *

Dated: September 25, 1989.

Susan Engeleiter,

Administrator, U.S. Small Business Administration.

[FR Doc. 89-27114 Filed 11-17-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 301 and 305

[Docket No. 90314-9214]

Public Works and Development Facilities Program; Supplementary Grant Rates

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule; nomenclature change.

SUMMARY: This rule amends EDA's rules on supplementary grant rates at §§ 301.2 and 305.5 by updating the reference to the Disaster Relief Act of 1974. This Act was amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Public Law 100-707 (1988). The Stafford Act recodifies and amends the Disaster Relief Act of 1974 (Pub. L. 93-288).

FOR FURTHER INFORMATION CONTACT: Joseph M. Levine, Chief Counsel, Economic Development Administration, U.S. Department of Commerce, Herbert C. Hoover Building, Room 7001, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230, (202) 377-4687.

SUPPLEMENTARY INFORMATION: EDA is amending 13 CFR 301.2 and 305.5 to change the reference to the Disaster Relief Act of 1974 (Pub. L. 93-288) to the Disaster Relief and Emergency Assistance Act (Pub. L. 100-707).

Under Executive Order 12291, the Department must judge whether a regulation is "major" within the meaning of section 1 of the order and therefore subject to the requirement that a Regulatory Impact Analysis be prepared. This regulation is not major because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, neither a preliminary nor final Regulatory Impact Analysis had been or will be prepared.

This rule is exempt from all requirements of 5 U.S.C. 553 including notice and opportunity to comment and delayed effective date, because it relates

to public property, loans, grants, benefits and contracts.

No other law requires that notice and opportunity for comment be given for this rule.

Since a notice and an opportunity for comment are not required to be given for the rule under Section 553 of the APA (5 U.S.C. 553) or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a), 604(a)), no initial or final Regulatory Flexibility analysis has to be or will be prepared.

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act (Pub. L. 96-511). This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects

13 CFR Part 301

Freedom of information, Organization and functions (Government agencies).

13 CFR Part 305

Community development, Community facilities, Grant programs—community development, Indians, Loan programs—community development.

For the reasons set out in the preamble, title 13, chapter III, parts 301 and 305 are amended as set forth below.

PART 301—ESTABLISHMENT AND ORGANIZATION

1. The authority citation for part 301 is revised to read as follows:

Authority: Sec. 701, Pub. L. 89-136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

§ 301.2 [Amended]

2. In § 301.2 in the definition of "Disaster Area": remove the words "Act of 1970 (Pub. L. 91-606) or Disaster Relief Act of 1974 (Pub. L. 93-288)" and add in their place, the words "and Emergency Assistance Act (Pub. L. 100-707)".

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

3. The authority citation for part 305 is revised to read as follows:

Authority: Sec. 701, Pub. L. 89-136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4, as amended (40 FR 56702, as amended).

§ 305.5 [Amended]

4. In § 305.5(b)(3)(v) remove the words "Act of 1974 (Pub. L. 93-288)" and insert

in their place, the words "and Emergency Assistance Act (Pub. L. 100-707)".

Dated: November 9, 1989.

James L. Perry,
Acting Assistant Secretary for Economic
Development.

[FR Doc. 89-27185 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-ASW-27]

Revision of Transition Area; Chickasha, OK

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Chickasha, OK. The development of a new NDB RWY 17 standard instrument approach procedure (SIAP) to the Chickasha Municipal Airport, Chickasha, OK, utilizing the Chickasha Nondirectional Radio Beacon (NDB), has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing all SIAP's now serving the Chickasha Municipal Airport.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT:
Bruce C. Beard, System Management
Branch, Air Traffic Division, Southwest
Region, Department of Transportation,
Federal Aviation Administration, Fort
Worth, TX 76192-0530, telephone (817)
624-5561.

SUPPLEMENTARY INFORMATION:

History

On August 7, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Chickasha, OK (54 FR 34528).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the transition area located at Chickasha, OK. The development of a new NDB RWY 17 SIAP to the Chickasha Municipal Airport, Chickasha, OK, utilizing the Chickasha NDB, has necessitated this amendment. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing all SIAP's now serving the Chickasha Municipal Airport. The original proposal incorrectly described the longitude of the Chickasha NDB as 99°58'15" W. The correct longitudinal coordinate is 99°58'15" W. This minor correction does not alter the airspace as depicted in the original proposal circulated for public comment. The legal description printed herein contains the correct latitudinal/longitudinal coordinates of the Chickasha NDB.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Chickasha, OK [Amended]

By adding to the end of the current legal description: and within 3 miles each side of the 016° bearing of the Chickasha NDB (latitude 35°06'13" N., longitude 99°58'15" W.), extending from the 6.5-mile radius area to 8.5 north of the Chickasha NDB.

Issued in Fort Worth, TX, on October 31, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-27154 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13

14 CFR Parts 71 and 75

[Airspace Docket No. 89-ANM-10]

Alteration of VOR Federal Airways, Compulsory Reporting Points and Jet Routes; ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of all VOR federal airways, compulsory reporting points and jet routes that have been affected by the name change of McCall, ID, very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) to Donnelly, ID, VORTAC. The actual VORTAC site remains the same. This action will alleviate pilots' confusion which was caused by the VORTAC having the same identifier as the airport.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

ADDRESSES: The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of these amendments to parts 71 and 75 of the Federal Aviation

Regulations (14 CFR parts 71 and 75) is to alter the descriptions of all VOR federal airways, compulsory reporting points, and jet routes that have been affected by the name change of the McCall, ID, VORTAC to the Donnelly, ID, VORTAC. The actual VORTAC site remains the same. This action will alleviate pilots' confusion which was caused by the VORTAC having the same identifier as the airport. Sections 71.123, 71.203, 71.207 and 75.100 of parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6E dated January 3, 1989.

Under the circumstances presented, the FAA concludes that there is a need for a regulation to alter the descriptions of VOR federal airways, compulsory reporting points, and jet routes that have been affected by the name change of the McCall, ID, VORTAC to the Donnelly, ID, VORTAC. Since the action does not alter the dimensions or operating requirements of the affected airspace and involves a matter in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, Compulsory reporting points, Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, parts 71 and 75 of the Federal Aviation Regulations (14 CFR parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a); 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows: V-121, V-253, V-269, V-293, V-298

Wherever the words "McCall, ID" appear, substitute the words "Donnelly, ID"

§ 71.203 [Amended]

3. § 71.203 is amended as follows:

McCall, ID [Removed]
Donnelly, ID [New]

§ 71.207 [Amended]

4. § 71.207 is amended as follows:

McCall, ID [Removed]
Donnelly, ID [New]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

5. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a); 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

6. § 75.100 is amended as follows:

J-12, J-20, J-82 [Amended]

Wherever the words "McCall, ID" appear, substitute the words "Donnelly, ID"

Issued in Washington, DC, on November 7, 1989.

Harold W. Becker,
Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-26156 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 89-AWA-3]

Alteration of VOR Federal Airways and Jet Routes; MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action removes the DOLFN compulsory reporting point from Airspace Docket 89-AWA-3. The DOLFN compulsory reporting point was incorrectly spelled as "DOLFIN" and it

was also described as being located in Michigan when it is actually located in Canada. Due to the location, the DOLFN compulsory reporting point should not have been published in this docket.

EFFECTIVE DATE: 0901 UTC, November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 89-22048, published on September 19, 1989, altered several airways, a jet route, and added the DOLFN compulsory reporting point (54 FR 38512). The DOLFN compulsory reporting point, which was incorrectly spelled as "DOLFIN," was described as being located in Michigan when it is actually located in Canada. Because of the location, this compulsory reporting point should not have been published in the final rule. This action corrects that final rule by removing all references to this compulsory reporting point.

The FAA finds good cause for making this correction effective in less than 30 days after publication since this rule is a minor amendment which simply notifies the public of a correction to final rule.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the preamble of the final rule (Federal Register Document No. 89-22048), as published on September 19, 1989 (54 FR 38512), is corrected to read as follows:

- In the first sentence of the Summary section (page 38512, column 3), remove the words "and add the DOLFIN, MI, Compulsory Reporting Point located in the Detroit metropolitan area."

- In the Supplementary Information section, under the History subsection (page 38513, column 1), in the sentence beginning with "Except for editorial changes," remove the words "and the addition of the DOLFIN, MI, Compulsory Reporting Point" and add the word "and" after "J-63."

- In the Supplementary Information section, under the Rule subsection (page 38513, column 1), next to the last sentence of the first paragraph, remove the words "and the DOLFIN, MI, Compulsory Reporting Point has been added" along with the preceding comma.

§ 71.203 [Corrected]

The regulatory text of the final rule is corrected to read as follows:

Under "§ 71.203 [Amended]" (page 38513, column 3), remove the following: "3. § 71.203 is amended as follows:

Dolfin, MI [New]"

Issued in Washington, DC, on November 3, 1989.

Harold W. Becker,
Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27157 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 89-AWP-14]

Subdivision of Restricted Areas R-3109A and R-3110A, Schofield-Makua, Oahu, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Restricted Areas R-3109A and R-3110A in Hawaii. This action allows large segments of the existing areas to be released for public use when not required for military use.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT:
Linda Ullom, Military Operations Branch (ATO-140), Operations Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7683.

SUPPLEMENTARY INFORMATION:**The Rule**

This amendment to part 73 of the Federal Aviation Regulations subdivides Restricted Area R-3109A into R-3109A and R-3109C; and Restricted Area R-3110A into R-3110A and R-3110C. No additional special use airspace is established as a result of this action. The subdivisions will result in more efficient use of airspace by allowing more frequent release of the areas identified as R-3109C and R-3110C when not required for military use. This will serve to support civil operations and glider activity under the concept of joint-use of airspace. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 73.31 of part 73 of the Federal Aviation Regulations was republished in

Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 73 of the Federal Aviation Regulations (14 CFR part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 73.31 [Amended]

2. Section 73.31 is amended as follows:

R-3109A Schofield-Makua, Oahu, HI [Amended]

By removing the present boundaries and time of designation and substituting the following:

Boundaries. Beginning at lat. 21°30'40" N., long. 158°08'50" W.; to lat. 21°31'15" N., long. 158°06'40" W.; to lat. 21°31'30" N., long. 158°05'35" W.; to lat. 21°31'14" N., long. 158°04'40" W.; to lat. 21°30'29" N., long. 158°04'09" W.; to lat. 21°29'25" N., long. 158°05'00" W.; to lat. 21°27'28" N., long. 158°05'55" W.; to lat. 21°29'11" N., long. 158°07'35" W.; to lat. 21°29'30" N., long. 158°08'40" W.; to the point of beginning.

Time of designation. Intermittent by NOTAM.

R-3109C Schofield-Makua, Oahu, HI [New]

Boundaries. Beginning at lat. 21°33'15" N., long. 158°08'40" W.; to lat. 21°32'14" N., long. 158°05'12" W.; to lat. 21°31'14" N., long. 158°04'40" W.; to lat. 21°31'30" N., long. 158°05'35" W.; to lat. 21°31'15" N., long. 158°06'40" W.; to lat. 21°30'40" N., long. 158°08'50" W.; to the point of beginning.

Designated altitudes. Surface to but not including 9,000 feet MSL.

Time of designation. Intermittent by NOTAM.

Controlling agency. FAA, Honolulu FSS.
Using agency. U.S. Army, Schofield Barracks, HI.

R-3110A Schofield-Makua, Oahu, HI [Amended]

By removing the present boundaries and time of designation and substituting the following:

Boundaries. Beginning at lat. 21°29'30" N., long. 158°08'40" W.; to lat. 21°31'00" N., long. 158°14'00" W.; to lat. 21°32'30" N., long. 158°14'30" W.; to lat. 21°33'15" N., long. 158°15'15" W.; to lat. 21°34'15" N., long. 158°15'15" W.; to lat. 21°32'50" N., long. 158°12'10" W.; to lat. 21°32'00" N., long. 158°11'00" W.; to lat. 21°31'25" N., long. 158°10'45" W.; to lat. 21°30'40" N., long. 158°09'40" W.; to lat. 21°30'40" N., long. 158°08'50" W.; to the point of beginning.

Time of designation. Intermittent by NOTAM.

R-3110C Schofield-Makua, Oahu, HI [New]

Boundaries. Beginning at lat. 21°34'30" N., long. 158°15'15" W.; to lat. 21°34'30" N., long. 158°13'15" W.; to lat. 21°33'15" N., long. 158°08'40" W.; to lat. 21°30'40" N., long. 158°08'50" W.; to lat. 21°30'40" N., long. 158°09'40" W.; to lat. 21°31'25" N., long. 158°10'45" W.; to lat. 21°32'00" N., long. 158°11'00" W.; to lat. 21°32'50" N., long. 158°12'10" W.; to lat. 21°34'15" N., long. 158°15'15" W.; to the point of beginning.

Designated altitudes. Surface to but not including 9,000 feet MSL.

Time of designation. Intermittent by NOTAM.

Controlling agency. FAA, Honolulu FSS.
Using agency. U.S. Army, Schofield Barracks, HI.

Issued in Washington, DC, on November 7, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27155 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 89-ANM-13]

Establishment of Jet Route J-589; Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Jet Route J-589 between Roseburg, OR, and Victoria, BC, Canada. This action establishes a route by which aircraft may avoid arrival paths for airports in the Seattle, WA, area. Establishment of J-589 also enhances traffic management, decreases controller workload, and provides pilots with a more direct routing.

EFFECTIVE DATE: 0901 U.T.C., January 11, 1990.

FOR FURTHER INFORMATION CONTACT:
Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On September 25, 1989, the FAA proposed to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) to establish J-589 between Roseburg, OR, and Victoria, BC, Canada (54 FR 39193). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 75 of the Federal Aviation Regulations establishes Jet Route J-589 between Roseburg, OR, and Victoria, BC, Canada. This action will provide aircraft, traversing west of the Seattle-Tacoma International Airport, with a route to avoid arrival paths for airports in the Seattle, WA, terminal area. This action will enhance traffic management, decrease controller workload, and provide pilots with a direct routing.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-589 [New]

From Roseburg, OR; Corvallis, OR; to Victoria, BC, Canada. The airspace within Canada is excluded.

Issued in Washington, DC, on November 8, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27159 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 89-ANM-8]

Alteration of Jet Route J-54; Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters Jet Route J-54 in the vicinity of Pendleton, OR, to create a more efficient traffic flow into and around the Seattle, WA, area. This action will save fuel, aid flight planning and reduce controller workload.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT:
Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On August 28, 1989, the FAA proposed to amend part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter Jet Route J-54 in the vicinity of Pendleton, OR (54 FR 35501). Interested parties were invited to participate in this rulemaking proceeding by submitting

written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 75 of the Federal Aviation Regulations alters Jet Route J-54 in the vicinity of Pendleton, OR. This action is in conjunction with Seattle Air Route Traffic Control Center's sector realignment to create a more efficient traffic flow around the Seattle, WA, area. Jet Route J-54 will provide aircraft with a more direct route and improve the traffic flow in this area. This action will save fuel, aid flight planning and reduce controller workload.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 75 of the Federal Aviation Regulations (14 CFR part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-54 [Amended]

By removing the words "Pendleton, OR" and substituting the words "Baker, OR".

Issued in Washington, DC, on November 7, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27161 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 89-AEA-12]

Alteration and Revocation of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of Jet Route J-6 and eliminates Jet Route J-228. Jet Route J-6 is extended from Lancaster, PA, to Plattsburg, NY, along the present route of J-228. Concurrent with the extension of J-6, Jet Route J-228 is eliminated. The route along J-6 and J-228 is a heavily traveled route which requires the filing and issuance of more than one airway. This action reduces controller and pilot workload by facilitating air-to-ground communications as well as improves flight planning.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT:

Jesse B. Bogan, Jr., Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9253.

SUPPLEMENTARY INFORMATION:**History**

On September 6, 1989, the FAA proposed to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter the description of Jet Route J-6 and eliminate Jet Route J-228 (54 FR 36998). The route along J-6 and J-228 is a heavily traveled route which requires the filing and issuance of more than one airway. Therefore, J-6 is being altered and J-228 is being eliminated to reduce controller and pilot workload and improve flight planning. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of part 75 of the Federal

Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 75 of the Federal Aviation Regulations alters the description of J-6 and eliminates J-228. Jet Route J-6 is extended from Lancaster, PA, to Plattsburg, NY, along the present route of J-228. Concurrent with the extension of J-6, Jet Route J-228 is eliminated. The route along J-6 and J-228 is a heavily traveled route which requires the filing and issuance of more than one airway. This action reduces controller and pilot workload by facilitating air-to-ground communications as well as improves flight planning.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. § 75.100 is amended as follows:

J-6 [Amended]

By removing the words "to Lancaster, PA." and substituting the words "Lancaster, PA; Broadway, NJ; Sparta, NJ; Albany, NY; to Plattsburg, NY."

J-228 [Removed]

Issued in Washington, DC, on November 7, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27158 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 89-ANM-11]

Realignment of J-90

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns J-90 to enhance procedures for aircraft arriving and departing airports in the Seattle, WA, area. This action will reduce controller workload and aid flight planning.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:**History**

On September 25, 1989, the FAA proposed to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) to realign J-90 to enhance procedures for aircraft arriving at and departing from airports in the Seattle, WA, area (54 FR 39194). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. However, Seattle Air Route Traffic Control Center requested a slight bend in the jet route between Seattle, WA, and Moses Lake, WA, to provide the extra width needed to accomplish a parallel route structure. Their request is reflected in this rule. Except for the above change and editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 75 of the

Federal Aviation Regulations realigns J-90 between Moses Lake, WA, and Helena, MT. This action will create an outbound route for aircraft departing the Seattle, WA, terminal area. Arrival flights will utilize J-70. This amendment will enhance traffic management, reduce controller workload, and aid flight planning.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. § 75.100 is amended as follows:

J-90 [Amended]

By removing the words "via Ephrata, WA; Mullan Pass, ID; Lewistown, MT;" and by substituting the words "INT Seattle, WA, 091 and Moses Lake, WA, 285" radials; Moses Lake, WA; Helena, MT;"

Issued in Washington, DC, on November 8, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27160 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 3]

Citizenship of Responsible Officers and Sponsors Exchange-Visitor Program; Citizenship of Responsible Officers and Sponsors

AGENCY: United States Information Agency.

ACTION: Postponement of compliance date and request for comments.

SUMMARY: The definition of "sponsor" was first published at 14 FR 4592, July, 1949. It required that all designated sponsors of exchange visitor programs be United States agencies or institutions. On May 29, 1987, the Agency published a notice of proposed rulemaking at 52 FR 20097 to provide that Responsible Officers of designated sponsors be citizens of the United States and that designated sponsors be incorporated in the United States. On August 11, 1989, at 54 FR 32964 (corrected at 54 FR 34503, August 21, 1989, and amended at 54 FR 40386 October 2, 1989), the Agency adopted a final rule wherein the longstanding requirement of the United States citizenship of sponsors of exchange visitor programs was further defined and documentation of United States citizenship was required to be furnished to the Agency. By this notice the date by which current sponsors and responsible officers must document their citizenship is postponed. Further public comment as to the scope and impact of the rule is sought as an aid to possible redefinition.

DATES: Comments on the rule will be accepted until January 19, 1990. All written communications received on or before the closing date will be considered by the Agency before further action is taken regarding the citizenship of exchange visitor sponsors. In the interim, the Agency will not designate new responsible officers or sponsors which do not meet the criteria for citizenship as published at 54 FR 40386, October 2, 1989.

ADDRESS: Interested persons should submit relevant views or arguments to Merry Lynn, Assistant General Counsel, Office of the General Counsel, Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT:

Merry Lynn, Assistant General Counsel, Office of the General Counsel, Room 700, United States Information Agency,

301 4th Street SW., Washington, DC 20547, (202) 485-8829.

SUPPLEMENTARY INFORMATION: In response to the May 29, 1987, notice of proposed rulemaking at 52 FR 20097, the Agency received nine comments from the public. These comments were discussed at length at 54 FR 32964, August 11, 1989, upon adoption of the final rule. Following that notice, which provides that current sponsors must comply with the definition of citizen, some sponsors complained that they did not have adequate notice. While it categorically rejects this charge, the Agency, nonetheless, now postpones the compliance date and reopens the proceeding for additional comments regarding the wording of the definition.

At the outset it should be noted that the Agency is under no legal requirement or obligation to seek public comment on the regulation. The Administrative Procedure Act at 5 U.S.C. 553(a)(1) specifically exempts from application of the Act a "foreign affairs function of the United States." There is no question that designation of exchange visitor sponsors for international exchange programs is a foreign affairs function. The operation and administration of the exchange program is an instrument of foreign policy. The J-visa was created by section 109 of the Mutual Educational and Cultural Exchange Act of 1961 to "serve solely the purposes of [that Act]." 1961 U.S. Code Cong. & Admin. News 2774. The Congressional intent behind the visa may be discerned from the statement that:

In modern international relations a positive U.S. Government program promoting educational and cultural cooperation is essential to the welfare of the American people.

1961 U.S. Code Cong. & Ad. News 2760. Accordingly, the decision regarding the designation of an exchange organization is a foreign relations decision.

Thus, even though it was not required to do so but because the Agency has a long history of cooperation with its designated sponsors, the Agency announced publicly in 1987 that it proposed to amend the regulations and invited comments. It was not the Agency's intention to waive the exemption, rather, the Agency wanted to preserve its valuable working relationship with the sponsors. It was in this spirit of cooperation that comments were invited. The public was notified that the Agency perceived that it was restricting and wanted to continue to restrict designation of sponsors to United States organizations. Further, the

public was notified that the Agency was concerned about the designation of foreign corporations and organizations. At least one member of the public understood the Agency's concern and submitted a comment attempting to convince the Agency that foreign corporations should be designated as exchange visitor sponsors.

Consequently, the Agency's query to the public was, and remains, limited to a very narrow question—how to define "United States organization" for the purpose of the regulations. The Agency finds that it is axiomatic that designations must be limited to United States entities. It is clear that Congress intended that designations be so limited; since 1949 the regulations have reiterated this requirement.

The Authority To Designate

Under the United States Information and Educational Exchange Act of 1948, two programs—information dissemination and educational exchange—were established to carry out the purposes of the Act. The authority of the Director of the United States Information Agency to designate exchange visitor programs derives from two sources, the Immigration and Nationality Act and the Mutual Educational and Cultural Exchange Act. The Immigration and Nationality Act at 8 U.S.C. 1101(15)(J) defines an exchange visitor as:

an alien * * * who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency * * *

The description of the programs which the Director may designate is contained in section 102 of the Mutual Educational and Cultural Exchange Act of 1961.

Congress envisioned that "the private resources of this country and the cooperation of *United States citizens abroad*" would be enlisted to assist in the educational exchange. *Id.* at 1014 (emphasis added).

[I]t is vital that the Department of State can and should cooperate with the efforts of private *citizens* and with profit and non-profit organizations interested in promoting the better understanding of the United States abroad and lasting friendship. Also, the areas of cooperation, consultation, and separate activity between the Department of State and private industry (e.g., films, radio, press, magazines, books) are sufficiently great to expect fruitful and harmonious relationships * * * The importance of worthy private *United States* activities in the foreign field cannot be exaggerated.

Id. at 1015 (emphasis added).

Thus, from this legislative history it can be inferred that Congress contemplated that the assistance from

the private sector would be assistance from the *United States* private sector. Further, it can be inferred that it is necessary that a designated organization may fairly be described as an "organization interested in promoting the better understanding of the United States abroad and lasting friendship." Upon the passage of the Mutual Educational and Cultural Exchange Act of 1961, the exchanges program in the 1948 Act was adopted by the 1961 Act. However, there was no substantial change in the underlying character of the exchanges. Rather, the 1961 Act was intended to expand and strengthen the programs established under the previous Act. 1961 U.S. Code Cong. & Ad. News 2760.

The Mutual Educational and Cultural Exchange Act requires that the schools and institutions of learning designated to participate in educational exchange be United States "schools and institutions." Section 102(1)(B). Consequently, it is necessary to define "United States schools and institutions" for educational exchanges.

It should also be noted that Congress intended that foreign governments would participate in the exchange program. However, Congress did not contemplate that these governments would be designated J-1 visa sponsors and have direct access to United States Government controlled documents. Rather, it is clear that Congress envisioned government-to-government agreements whereby the two governments would cooperate in the field of exchange. Congress did not intend that another government would have virtual control over exchange visitors to this country, as is evidenced by Section 103, which provides for agreements with foreign governments. If Congress intended that the powers of the USIA Director to determine exchange program policy and participants be vested in foreign governments, this section of the Act would be unnecessary and redundant. The rules of statutory construction preclude interpretations which would render a section of a statute either redundant or unnecessary.

The Agency Was Given Complete Discretion To Decide When To Work With Private Industry

The legislative history of the Smith-Mundt Act (1948 U.S. Code Cong. & Ad. News 1019) states:

Section 1005 states the intention of Congress that the Department shall make use of the services of private agencies wherever practicable. The House committee report interprets this to mean that the Secretary of State should use a private agency "if a

private agency can perform an activity as well as or better than a Government agency, and at no greater expense." This language should not, of course, enable any particular private agency to demand a contract or a grant of funds for participation in the purposes of this act. The discretion would seem to the committee to lie with the Secretary of State to determine what agencies should receive public funds through contracts or grants.

Similarly, the Agency has discretion to designate or to refuse to designate any private organization as an exchange visitor sponsor. The grant of discretionary power to the USIA Director is expressed in the broadest of terms. It provides only the barest standards or criteria by which the Agency is to administer educational and cultural exchanges.

As the Agency stated in its notice of August 11, 1989, 54 FR 32964, 32965:

8 U.S.C. 1101(a)(15)(J) merely refers to the designation function of the Agency by describing an exchange visitor as a "participant in a program designated by the Director of the United States Information Agency." No criteria are set forth requiring the Agency to designate certain programs. The criteria are left to Agency discretion. Because of the nature of foreign relations, the agency has been given broad authority to implement its legislation. The courts have found that this authority is—broader than that given to domestic agencies.

Promulgation of regulations consistent with the Act and its legislative history are not considered an abuse of agency discretion. (See *Zemel v. Rusk*, 381 U.S. 1 (1965) and *Haig v. Agee*, 453 U.S. 280 (1981). See also *Slyper v. Attorney General*, 827 F.2d 821, 823 (D.C. Cir. 1987) wherein the court stated: "The statute contains no standard or criterion upon which to make or withhold a favorable recommendation. This broad delegation of discretionary authority is 'clear and convincing evidence' of congressional intent to restrict judicial review in cases such as those we now face.")

The Agency, in the exercise of its discretion, has determined that noncitizens should not be given excessive authority in making the foreign relations determination coupled with the strong visa issuance recommendation (which is inherent in the responsibility for filling out the IAP-66 forms) as to which aliens should be exchange visitors.

The Agency, in the exercise of its discretion and in interpreting its statute and legislative history, has determined, since 1949, that it must limit the designation of exchange visitor sponsors to United States entities. The question is how to define what constitutes a United States entity.

Thus, the question before the public is how to define "United States citizen" for the purpose of the regulations. The

present definition as promulgated on August 11, 1989 is:

"Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is a United States citizen, or (c) a corporation or association created or organized under the laws of the United States, of which the chief executive officer, president, chairman of the board of directors, and 75 per centum of the members of the board and its other managing officers are United States citizens and in which at least 75 per centum of the stock or voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

The Agency is concerned that the control of the entities which are designated as exchange visitor sponsors be vested in United States citizens. If the definition promulgated by the Agency excludes entities which are controlled by United States interests, the Agency will consider a new definition, provided that such definition ensures that designated sponsors will not be controlled by foreign interests. On the other hand, the Agency is also concerned that entities which have performed valuable service in the international exchange field may be excluded from the field as a result of the new definition.

Comments should address the question of whether a new definition can be drafted that will balance the requirement for United States control of the J-1 visa process with the need to preserve the international character of many of the successful exchange organizations.

The Agency is aware that some entities, such as universities, are neither corporations nor associations. Accordingly, the Agency may add the term "entity" to the definition. On the other hand, the addition of "entity created by state or local law" to the definition, may be more appropriate.

The Agency is also aware that some United States corporations do not know the citizenship of all of their stockholders. Consequently, the Agency is interested in learning whether there is another way to determine that the controlling interest is vested in United States citizens.

Additionally, the Agency understands that there are some very large partnerships in which only a very small portion of the partners are not United States citizens. On the other hand, in a small partnership, that same proportion of partners may wield considerable control. Thus, the question is whether there is a way to redefine United States partnerships to address this problem.

Dated: November 13, 1989.

Alberto J. Mora,

General Counsel.

[FR Doc. 89-27164 Filed 11-17-89; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8273]

RIN 1545-AM96

Group-Term Life Insurance

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This Treasury Decision amends final regulations and adds new temporary regulations to revise the uniform premium table used to calculate the cost of group-term life insurance coverage provided to an employee by an employer. This revision is necessary to conform to statutory changes concerning the cost of group-term life insurance for individuals over 63 years of age. These regulations provide guidance to employers who must use the uniform premium table to calculate the cost of group-term life insurance includable in the gross income of their employees. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in a notice of proposed rulemaking published in the Proposed Rules section of this issue of the **Federal Register**.

EFFECTIVE DATE: These regulations are effective January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Betty J. Clary, 202-566-4465 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document adds new temporary regulation § 1.79-3T to part 1 of title 26 of the Code of Federal Regulations. It also amends § 1.79-3(d)(2) to provide a cross-reference to § 1.79-3T.

Explanation of Provisions

Section 79 of the Internal Revenue Code generally permits an employee (as well as a former employee) to exclude from gross income the cost of the first \$50,000 of employer-provided group-term life insurance coverage. The remaining cost of group-term insurance is included in the employee's gross income. In general, the cost of group-term life

insurance is determined on the basis of uniform premiums prescribed by regulations. These uniform premiums, computed on the basis of 5-year age brackets, are found in Table I of § 1.79-3(d)(2). Under prior law, section 79(c) allowed an employee older than age 63 to determine the cost of the insurance as if he or she were 63. For this reason, the present uniform premium table does not include rates for age brackets beyond the 60 to 64 age bracket.

Section 79(c) was amended by section 5013 of the Technical and Miscellaneous Revenue Act of 1988 to eliminate the special rule for employees over age 63, effective January 1, 1989. Accordingly, this document adds new temporary regulations to prescribe the cost of group-term insurance without any special rule for older employees. The rates in the new table for employees under age 65 are the same as in the existing table. The new rates for employees 65 and over have been developed using the same data as were used previously to develop the rates for employees under age 65. The new Table I appears in § 1.79-3T, and a cross-reference to that new section for group-term life insurance provided after December 31, 1988, appears in § 1.79-3(d)(2).

The Internal Revenue Service is now in the process of revising the rates in Table I for all age groups, and a study is being conducted to determine the sources of statistical data to be used for updating the rates. The public is invited to comment on this subject. Send written comments (preferably eight copies) concerning the study to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R (EE-4-89), Room 4429, Washington, DC 20044.

Special Analyses

It has been determined that these regulations are not major regulations as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for interpretative regulations. Therefore, these rules do not constitute regulations. Therefore, these rules do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6), and a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Betty J. Clary, Office of the Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However,

other personnel from the Service and Treasury Department participated in their development.

List of Subjects

26 CFR 1.61-1 Through 1.281-4

Deductions, Exemptions, Income taxes, Taxable income.

Adoption of Amendments to the Regulations

Accordingly, title 26, part 1, of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.79-3 is amended by revising paragraph (d)(2) to read as follows:

§ 1.79-3 Determination of amount equal to cost of group-term life insurance on an employee's life.

(d) The cost of the portion of the group-term life insurance on an employee's life. * * *

(2) For the cost of group-term life insurance provided after December 31, 1988, see § 1.79-3T. For the cost of group-term life insurance provided before January 1, 1989, the following table sets forth the cost of \$1,000 of group-term life insurance for one month, computed on the basis of 5-year age brackets. For purposes of Table I, the age of the employee is the employee's attained age on the last day of the employee's taxable year. However, if an employee has attained an age greater than age 64, the employee shall be treated as if he or she were in the 5-year age bracket 60 to 64.

TABLE I.—UNIFORM PREMIUMS FOR \$1,000 OF GROUP-TERM LIFE INSURANCE PROTECTION

5-year age bracket	Cost per \$1,000 of protection for 1-month period
Under 30	\$0.08
30 to 34	.09
35 to 39	.11
40 to 44	.17
45 to 49	.29
50 to 54	.48
55 to 59	.75
60 to 64	1.17
65 to 69	2.10
70 and above	3.76

Par. 3. There is added immediately after § 1.79-3 a new § 1.79-3T to read as follows:

§ 1.79-3T Uniform premium table (temporary).

For the cost of group-term life insurance provided after December 31, 1988, the following table sets forth the cost of \$1,000 of group-term life insurance for one month, computed on the basis of 5-year age brackets. For purposes of Table I, the age of the employee is the employee's attained age on the last day of the employee's taxable year.

TABLE I.—UNIFORM PREMIUMS FOR \$1,000 OF GROUP-TERM LIFE INSURANCE PROTECTION

5-year age bracket	Cost per \$1,000 of protection for 1-month period
Under 30	\$0.08
30 to 34	.09
35 to 39	.11
40 to 44	.17
45 to 49	.29
50 to 54	.48
55 to 59	.75
60 to 64	1.17
65 to 69	2.10
70 and above	3.76

Immediate guidance is needed under the provisions contained in this Treasury Decision so that employers can calculate the cost of group-term life insurance includable in their employees' gross income for reporting and for social security tax purposes. It is therefore found impracticable and contrary to the public interest to issue this Treasury Decision with notice and public procedure under section 553(b) of title 5 of the United States Code.

Dated: November 2, 1989.

Fred T. Goldberg, Jr.

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 89-27102 Filed 11-17-89; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 8272]

RIN 1545-AK14

Mortality Table Used To Determine Exclusion for Deferred Payments of Life Insurance Proceeds

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations that prescribe the mortality table to be used in determining the extent to which deferred payments of life insurance proceeds are excluded from gross income. Changes to the applicable law were made by the Tax Reform Act of 1986. The regulations affect beneficiaries of life insurance contracts who receive life insurance proceeds at a date later than the death of the insured and provide them with the guidance needed to comply with the law.

EFFECTIVE DATE: The regulations are effective October 23, 1986, and apply to amounts received with respect to deaths occurring after October 22, 1986, in taxable years ending after October 22, 1986.

FOR FURTHER INFORMATION CONTACT:

Barry S. Landau, Office of Assistant Chief Counsel (Financial Institutions and Products), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:T:R) (202) 566-3458 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document amends the Income Tax Regulations (26 CFR part 1) under section 101(d) of the Internal Revenue Code of 1986 to reflect amendments made to section 101(d)(2)(B)(ii) of the Code by section 1001(b) of the Tax Reform Act of 1986 (100 Stat. 2085, 2387).

Section 101(d) provides rules relating to the payment by an insurer of life insurance proceeds at a date later than the death of the insured. Under section 101(d)(1), the amounts held by an insurer with respect to a beneficiary are prorated over the period or periods with respect to which the payments are to be made. A portion of each payment made to the beneficiary is excluded from the income of the beneficiary on the basis of this proration.

In determining the amount held by an insurer with respect to a beneficiary, section 101(d)(2)(A) provides that the amount must be held by the insurer under an agreement provided for in the life insurance contract to pay that amount on a date or dates later than the death of the insured. Section 101(d)(2)(B) provides that the amount held by the insurer is equal to the value of this agreement to the beneficiary determined as of the date of death of the insured, and as discounted on the basis of the interest rate used by the insurer in calculating payments made under the agreement and mortality tables prescribed by the Secretary.

Explanation of Provisions

These regulations prescribe a mortality table, which does not distinguish among individuals on the basis of sex, to be used in determining the amount held by the insurer for purposes of section 101(d)(2) and in determining the period or periods with respect to which payments are to be made for purposes of section 101(d)(1). The mortality table prescribed in the regulation is the table set forth in § 1.72-7(c)(1), relating to the adjustment of investment in a contract for the refund feature in the case of a joint and survivor annuity. Life expectancy tables based on this mortality table are set forth in Tables V through VIII of § 1.72-9.

On September 21, 1987, the Federal Register published temporary regulations (T.D. 8161, 52 FR 35414) and a cross-reference notice of proposed rulemaking (52 FR 35447) proposing amendments to the regulations (26 CFR part 1) under section 101(d) of the Code. These amendments were proposed to conform the regulations to section 1001(b) of the Tax Reform Act of 1986. Only one comment was received. It stated that adoption of the table under the section 72 regulations in the temporary and proposed regulations appeared reasonable. No public hearing was held because none was requested. Accordingly, the proposed amendments are adopted by this Treasury Decision and redesignated as § 1.101-7 of the regulations.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required. Although a notice of proposed rulemaking soliciting public comment was issued, the Internal Revenue Service concluded when the notice was issued that the regulations were interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Sharon L. Hall of the Office of Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in their development.

List of Subjects**26 CFR 1.61-1 Through 1.281-4**

Income taxes, Taxable income, Deductions, Exemptions.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * * Section 1.101-7 also issued under 26 U.S.C. 101(d)(2)(B)(ii).

Par. 2. The authority for part 1 is amended by removing the following citation:

Authority: Section 1.101-7T also issued under 26 U.S.C. 101(d)(2)(B)(ii).

Par. 3. The temporary regulations (§ 1.101-7T) published as T.D. 8161 at 52 FR 35414 are adopted as final regulations, with the following changes:

§ 1.101-7 [Redesignated from § 1.101-7T]

1. The section number is redesignated as § 1.101-7.

§ 1.101-7 [Amended]

2. Section 1.101-7 is amended by removing from its heading the language "Temporary."

Dated: September 21, 1989.

Approved:

Lawrence B. Gibbs,
Commissioner of Internal Revenue.

Kenneth W. Gideon,
Assistant Secretary of the Treasury.

[FR Doc. 89-27103 Filed 11-17-89; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[PP 9F3761/R1045; FRL-3659-9]

Pesticide Tolerances for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.364 to include residues of glyphosate resulting from the application of the monoammonium salt of glyphosate in the glyphosate tolerance. This regulation was requested by Monsanto Co.

EFFECTIVE DATE: November 20, 1989.

ADDRESS: Written objections, identified by the document control number [PP 9F3761/R1045], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 243, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-1800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register on June 29, 1989 (54 FR 27422), in which it was announced that the Monsanto Co., 1101 17th St., NW., Washington, DC 20036, proposed to amend 40 CFR 180.364 to include residues of glyphosate resulting from the application of the monoammonium salt of glyphosate in the glyphosate tolerance expression.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of this reexpression.

1. Several acute toxicology studies placing technical-grade glyphosate in Toxicity Category III and IV.

2. A 1-year feeding study with dogs fed dosage levels of 0, 20, 100, and 500 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 500 mg/kg/day.

3. A 2-year oncogenicity study in mice fed dosage levels of 0, 150, 750, and 4,500 mg/kg/day with an equivocal (uncertain) oncogenic effect (a slight increase in the incidence of renal tubular adenomas, a benign tumor of the kidney, in males) at the highest dose tested (HDT) of 4,500 mg/kg/day.

4. A chronic feeding/oncogenicity study in rats fed dosage levels of 0, 3, 10, and 31 mg/kg/day with no oncogenic effects observed under the conditions of the study at dose levels up to and including 31 mg/kg/day (HDT) and a systemic NOEL of 31 mg/kg/day.

5. A developmental toxicity study in rats given doses of 0, 300, 1,000, and 3,500 mg/kg/day with no teratogenic effects occurring up to and including 3,500 mg/kg/day (HDT); a maternal NOEL of 1,000 mg/kg/day based on weight gain deficits, altered physical appearance, and mortality during treatment at 3,500 mg/kg/day (HDT); and a fetotoxic NOEL of 1,000 mg/kg/day based on unossified sternebrae in

fetuses from high-dose (3,500 mg/kg/day) dams.

6. A developmental toxicity study in rabbits given doses of 0, 75, 175, and 350 mg/kg/day with no teratogenic effects occurring up to and including 350 mg/kg/day (HDT); a maternal NOEL of 175 mg/kg/day based on altered appearance and mortality at the highest dose (350 mg/kg/day); and a fetotoxic NOEL of 350 mg/kg/day (HDT).

7. A three-generation reproduction study in rats fed dosage levels of 0, 3, 10, and 30 mg/kg/day with a NOEL of 10 mg/kg/day based on focal, unilateral, renal tubular dilation in the kidneys of male pups from high-dose dams (30 mg/kg/day). No effects on fertility or reproductive parameters were noted up to and including 30 mg/kg/day (HDT).

8. Mutagenicity data included chromosomal aberration *in vitro* (no aberrations in Chinese hamster ovary cells were caused with and without S-9 activation); DNA repair in rat hepatocytes; *in vivo* bone marrow cytogenetic test in rats; rec-assay with *B. subtilis*; reverse mutation test with *S. typhimurium*; Ames test with *S. typhimurium*; and a dominant-lethal mutagenicity test in mice (all negative).

The acceptable daily intake (ADI) based on the three-generation rat reproduction study (NOEL of 10 mg/kg/day) and using a hundredfold safety factor is calculated to be 0.1 mg/kg/day. The theoretical maximum residue contribution (TMRC) for published and unpublished but approved tolerances is 0.005094 mg/kg/day, which utilizes 5.0 percent of the ADI. The addition of the monoammonium salt of glyphosate does not increase the TMRC and will not increase the percentage of the ADI utilized.

Desirable data lacking are a repeat of the rat oncogenicity study. Because of the large difference between the high dose tested in the rat and mouse oncogenicity studies, the rat oncogenicity study was rereviewed. The rereview indicated that a maximum tolerated dose (MTD) may not have been reached in that study. Therefore, the Agency decided to request a repeat of the rat oncogenicity study at doses high enough to reach an MTD.

There are currently no actions pending against the continued registration of this pesticide. No detectable residues of *N*-nitrosoglyphosate, a contaminant of glyphosate, are expected to be present in the commodities for which tolerances are established. The oncogenic potential of glyphosate is not fully understood. Because of the equivocal (uncertain) nature of the oncogenic response in mice, the Agency referred the issue to

the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Science Advisory Panel (SAP) for a "Weight of the Evidence" classification. After rereviewing all available evidence, the SAP proposed that glyphosate be classified as a "Class D Oncogen" having "inadequate animal evidence of oncogenicity," and recommended a Data Call-In for further studies in rats and/or mice to clarify unresolved questions. After a review of all available information, the Agency decided to classify glyphosate as a "Class D Oncogen" and also to request a repeat of the mouse oncogenicity study. A subsequent review by the Agency of the data and additional information submitted concluded that the mouse oncogenicity study would not be required at this time. Once the rat oncogenicity study is received and reviewed, the need for a repeat mouse oncogenicity study will be reevaluated.

The Agency's policy has been to issue new use registrations in which the resulting change in TMRC is less than 1 percent; however, any significant new use registrations will be handled on a case-by-case basis and may not be issued until issues in the Glyphosate Registration Standard have been resolved. Monsanto Co. has been notified of these conclusions and deficiencies by the Glyphosate Registration Standard dated June 30, 1986, and by a letter dated July 9, 1989.

The nature of the residue in plants is adequately understood, and an adequate analytical method (gas-liquid chromatography with a flame photometric detector), is available for enforcement purposes in Volume II of the Food and Drug Administration Pesticide Analytical Manual. The established tolerances on liver and kidney of cattle, goats, hogs, horses, poultry, and sheep are considered adequate to cover residues of glyphosate and AMPA resulting from the proposed use of the monoammonium salt of glyphosate on registered crops.

Based on the information considered by the Agency, it is concluded that the tolerance established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds

for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (40 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 20, 1989.

Douglas D. Camp,
Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.364 is amended by revising the introductory texts of paragraphs (a) and (b), to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) Tolerances are established for the combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on the following agricultural commodities:

* * * *

(b) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from application of the glyphosate isopropylamine salt and/or glyphosate monoammonium salt for herbicidal and plant growth regulator purposes and/or the sodium sesqui salt

for growth regulator purposes in or on the following agricultural commodities:

* * *

[FR Doc. 89-27210 Filed 11-17-89; 8:45 am]
BILLING CODE 6580-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-00-4214-10; GP9-317; OR-19851(WASH)]

43 CFR Public Land Order 6752

Partial Revocation of the Executive Order Dated January 17, 1911; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 360.63 acres of land withdrawn for the Bureau of Land Management's Reservoir Site Reserve No. 1 within the Wenatchee National Forest. The Bureau of Land Management has determined that the lands are no longer needed for the purpose for which they were withdrawn. The revocation is needed to permit disposal of the lands through land exchange. This action will open the lands to surface entry. The lands have been and remain open to mineral leasing and are temporarily closed to mining by a Forest Service exchange proposal.

EFFECTIVE DATE: December 20, 1989.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated January 17, 1911, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

T. 26 N., R. 17 E.,
sec. 4, lots 1 and 2, and W½NE¼SE¼;
sec. 9, lots 2 and 3, NW¼, and NW¼SW¼.

The areas described aggregate 360.63 acres in Chelan County.

2. At 8:30 a.m., the lands will be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, any segregations of record, and the requirements of applicable law.

Dated: November 3, 1989.

Dave O'Neil,

Assistant Secretary of the Interior.

[FR Doc. 89-27228 Filed 11-17-89; 8:45 am]

BILLING CODE 4310-33-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Parts 1385, 1386, 1387, and 1388

RIN 0980-AA36

Developmental Disabilities Program

AGENCY: Administration on Developmental Disabilities, Office of Human Development Services, HHS.

ACTION: Final rule.

SUMMARY: The Department is issuing final rules for the Developmental Disabilities program. These final rules implement the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (Pub. L. 100-146). The rules include standards for determining whether a State has used Federal funds to supplement and not supplant State and local funds and a peer review process for applications under the University Affiliated Programs.

EFFECTIVE DATE: December 20, 1989.

FOR FURTHER INFORMATION CONTACT: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Telephone: (202) 245-2890.

SUPPLEMENTARY INFORMATION:

Program History

In 1963, the Mental Retardation Facilities and Construction Act (Pub. L. 88-164) was enacted to provide for planning activities and construction of facilities to provide services to the mentally retarded. This legislation was subsequently amended by the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (Pub. L. 91-517) which constituted the first Congressional effort to address the needs of a group of persons with handicaps designated as developmental disabilities. The 1970 Amendments defined developmental disability to include individuals with mental retardation, cerebral palsy, epilepsy, and other neurological conditions closely related to mental retardation which originated prior to age 18 and constituted a substantial handicap. It also created State Planning Councils to advocate for, plan, monitor and evaluate

services for persons with developmental disabilities; it also authorized grants for constructing, administering and operating University Affiliated Facilities.

The legislation authorizing the Developmental Disabilities program has been revised periodically. The major changes of note included the following: (1) The 1975 Amendments [Pub. L. 94-103] deleted the construction authority, authorized studies to determine the feasibility of having University Affiliated Facilities establish Satellite Centers, established the Protection and Advocacy System, and added a section on "Rights of the Developmentally Disabled;" (2) the 1978 amendment [Pub. L. 95-602] included a functional definition of developmental disabilities; and (3) the Developmental Disabilities Amendments of 1984 [Pub. L. 98-527] added a new emphasis regarding the purpose of the program, i.e., to assist States to assure that persons with developmental disabilities receive the care, treatment and other services necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community.

The 1987 amendments extend authorization of appropriations for programs under the Developmental Disabilities Assistance and Bill of Rights Act (the Act) through FY 1990, and made other revisions to the Act. The amendments revise definitions of priority activities under State plans; require additional activities under State protection and advocacy systems; and require a variety of new reviews, studies, and reports. They also require the Secretary to consider applications for four new university affiliated programs or satellite centers each year through FY 1990.

Developmental Disabilities Program

Basic State Grants

Formula grants are made to States for planning, coordinating, and administering services for citizens with developmental disabilities. This program assists States in developing and implementing a comprehensive plan to ensure that persons with developmental disabilities have the range of services available to them which best promote self-sufficiency.

Protection and Advocacy

Formula grants are made to States for the establishment of a system to protect and advocate for the rights of persons with developmental disabilities. This system must have the authority to

pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of developmentally disabled individuals who are receiving, or who are eligible to receive, treatment or habilitation services.

University Affiliated Programs

Awards are made to universities, or public or nonprofit entities associated with universities, to establish University Affiliated Programs or Satellite Centers. Such programs carry out interdisciplinary training, conduct demonstrations of exemplary services, provide technical assistance, and disseminate information which will assist in improving the service delivery system.

Projects of National Significance

This program provides funding through grants and contracts for projects to educate policymakers, develop an ongoing data collection system, determine the feasibility and desirability of developing a nationwide information and referral system, and pursue Federal interagency initiatives and other projects of national significance which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities.

Notice of Proposed Rulemaking

The Department published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* on December 7, 1988, (53 FR 49332-49335). Interested persons were given sixty days in which to send written comments regarding the proposed rules. During the sixty (60) day comment period, fifteen (15) letters containing seventeen (17) comments were received.

All written comments were analyzed and form the basis for changes which the Department has made in these final rules.

Part 1385 contains provisions which apply to all of the Developmental Disabilities programs. Part 1386 regulates the two formula grant programs: the Basic State Grant Program for Planning Priority Area Activities for Persons with Developmental Disabilities authorized by part B of the Act, and the Protection and Advocacy (P&A) program authorized by part C of the Act. Part 1387 applies to Projects of National Significance; and part 1388 applies to University Affiliated Programs authorized by part D of the Act.

Summary of Comments and the Departmental Response

The discussion which follows includes a summary of all comments, our

responses to those comments, and a description of the changes that have been made in the final rule as a result of the comments.

PART 1385—REQUIREMENTS APPLICABLE TO THE DEVELOPMENTAL DISABILITIES PROGRAM

Section 1385.9(a) has been amended to add 45 CFR parts 86 and 92 to the list of references applicable to grants under parts 1386 through 1388. This is a technical and conforming change made by the Department.

PART 1386—FORMULA GRANT PROGRAMS

Subpart B—State System for Protection and Advocacy of Individual Rights

Section 1386.23 Periodic Reports: protection and Advocacy System

Section 1386.23 of the NPRM proposed new language in paragraph (c) which reiterated current reporting requirements for the submission of financial status reports and deleted the specifics regarding the time periods for submittal. We proposed that the time period requirements would be provided through a Program Instruction rather than through language in rules.

Comment: One commenter expressed the view that the rule would be revising current reporting requirements.

Response: The proposed rule did not revise current reporting requirements but deleted from the rule the specifics regarding the time periods for submittal. Therefore, no change will be made in § 1386.23(c).

Subpart C—State Plan for Provision of Services for Persons With Developmental Disabilities

Section 1386.30 State Plan Requirements

Section 1386.30(e)(4) proposed that each State Planning Council shall receive from the State administering agency funds to hire staff and obtain the services of other technical, professional, and clerical staff consistent with State law.

Comment: Twelve commenters stated that the proposed language in § 1386.30(e)(4) did not accurately reflect the role and the authority of the State Planning Council pursuant to section 124(c)(1) of the Act in regard to the hiring of Council staff. The commenters indicated that the State Planning Councils, not the designated agency or the State, have the authority to hire staff as long as it is done in a manner consistent with State law.

Response: The Department agrees that State Planning Councils have the authority to hire staff. Therefore, we

have revised the language of the final rule to further clarify this fact.

Section 1386.33 Protection of Employee's Interests

Section 1386.33 of the NPRM regarding protection of employee's interests was amended to reflect a new statutory citation.

Comment: We received three comments regarding employee protection which interpreted this section as containing substantive changes.

Response: Since this section was revised only to include a new statutory citation in paragraph (a), we have not made a change in the final rule.

PART 1387—PROJECTS OF NATIONAL SIGNIFICANCE

Section 1387.1 General Requirements

The NPRM proposed language for a new paragraph (b) in § 1387.1. The current regulatory language of § 1387.1(c) then became paragraph (d).

Comment: One commenter expressed the view that as all references to model demonstrations and direct services have been eliminated by the 1987 Amendments, projects funded under this part need not be "exemplary models" which can be "replicated," and therefore paragraph (d) should be deleted from the rules.

Response: The Department concurs with the comment that the word "model" does have a direct service delivery connotation and will delete such reference in the rule. However, we believe that projects of national significance must be exemplary and have potential for replication or otherwise clearly meet the goals of Part E of the Act. Therefore, paragraph (d) will be retained but revised accordingly.

PART 1388—THE UNIVERSITY AFFILIATED PROGRAMS

Section 1388.9 Peer Review

Section 1388.9(b) of the NPRM proposed that all applications for funding opportunities under Part D of the Act must be evaluated through the peer review process.

Comment: Following further consideration of the proposed language for Section 1388.9(b) we concluded that the phrase "including applications for" suggested that grants under the University Affiliated Programs (UAPs) provisions could be for purposes other than (1) core UAPs and Satellite Center funding, (2) feasibility studies, and (3) training projects in areas of emerging national significance.

Response: Since these are the only purposes for which funding is available

to UAPs under the Act, we have deleted the word "including" and substituted the term "consisting of."

Impact Analysis

Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the national economy of \$100 million or more, or certain other specified effects. These regulations primarily affect State agencies and University Affiliated Programs. The basic requirements of the program are established by the statute, not these regulations. Therefore, the Department concludes that these regulations are not major rules within the meaning of the Executive Order, because they do not have an effect on the economy of \$100 million or more or meet the other threshold criteria.

Regulatory Flexibility Act of 1980

Consistent with the Regulatory Flexibility Act [5 U.S.C. Ch. 6], we try to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a "significant economic impact on a substantial number of small entities", we prepare an analysis describing the rule's impact on small entities. The primary impact of these regulations is on the States, which are not "small entities" within the meaning of the Act. For these reasons, the Secretary certifies that these rules will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirement contained in a proposed or final rule. This proposed rule does not contain information collection requirements or increase Federal paperwork burden on the public or private sector.

List of Subjects

45 CFR Part 1385

Grant programs/education, Grant programs/social programs, Handicapped, Reporting and recordkeeping requirements.

45 CFR Part 1386

Administrative practice and procedure, Grant programs/education, Handicapped, Reporting and recordkeeping requirements.

45 CFR 1387

Grant programs/education, Grant programs/social programs, Handicapped.

45 CFR Part 1388

Colleges and universities, Grant programs/education, Grant programs/social programs, university affiliated program, satellite center.

(Catalog of Federal Domestic Assistance Program, Nos. 13.630 Developmental Disabilities Basic Support and 13.631 Developmental Disabilities—Projects of National Significance, and 13.632 Developmental Disabilities—University Affiliated Program)

Dated: August 1, 1989.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

Approved: November 1, 1989.

Louis W. Sullivan,

Secretary.

For the reasons set forth in the preamble, chapter XIII of title 45 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER I—THE ADMINISTRATION ON DEVELOPMENTAL DISABILITIES, DEVELOPMENTAL DISABILITIES PROGRAM

PART 1385—REQUIREMENTS APPLICABLE TO THE DEVELOPMENTAL DISABILITIES PROGRAM

1. The authority citation for part 1385 is revised to read as follows.

Authority: 42 U.S.C. 6000 et. seq.

2. Section 1385.1 is amended by revising paragraphs (b), (c) and (d) to read as follows:

§ 1385.1 General.

(b) State Basic Program for Planning Priority Area Activities for Persons with Developmental Disabilities.

(c) Projects of National Significance; and

(d) University Affiliated Programs (UAPs).

3. Section 1385.3 is amended by revising the definition of "Act" and by adding the definition of "ADD" and "OHDS" to read as follows. The introductory text is republished for the convenience of the reader.

§ 1385.3 Definitions.

In addition to the definitions in section 102 of the Act (42 U.S.C. 6001), the following definitions apply:

Act means the Developmental Disabilities Assistance and Bill of Rights Act, as amended (42 U.S.C. 6000 et. seq.).

* * * * *

ADD means the Administration on Developmental Disabilities, within the Office of Human Development Services.

OHDS means the Office of Human Development Services within the Department of Health and Human Services.

4. Section 1385.4 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1385.4 Rights of persons with developmental disabilities.

* * * * *

(b) In order to comply with section 122(b)(6)(C) of the Act (42 U.S.C. 6022(b)(6)(C)), regarding the rights of developmentally disabled persons, the State must meet the requirements of § 1386.30(e)(3) of these regulations.

(c) Applications from university affiliated programs or for projects of national significance grants must also contain an assurance that the human rights of persons assisted by these programs will be protected consistent with section 110 (see section 153(b)(3) and section 162(b)).

5. Section 1385.5 is amended by revising paragraph (b) to read as follows:

§ 1385.5 Recovery of Federal funds used for construction of facilities.

* * * * *

(b) The State Council or the appropriate UAP official must submit detailed documentation to the Commissioner of all transactions as specified in paragraph (a) of this section which occurred prior to this publication.

* * * * *

6. Section 1385.9(a) is amended by adding 45 CFR parts 86 and 92 in numerical order to the list of references applicable to grants under sections 1386–1388.

§ 1385.9 Grants administration requirements.

* * * * *

45 CFR Part 86—Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

* * * * *

45 CFR Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

PART 1386—FORMULA GRANT PROGRAMS

7. The authority citation for part 1386 is revised to read as follows:

Authority: 42 U.S.C. 6000 et. seq.

Subpart A—Basic Requirements

8. Section 1386.2 is amended by revising paragraph (a) to read as follows:

§ 1386.2 Obligation of funds.

(a) Funds which the Federal Government allots under this Part during a Federal fiscal year are available for obligation by States for a two year period beginning with the first day of the Federal fiscal year in which the grant is awarded.

Subpart B—State System for Protection and Advocacy of Individual Rights

9. Section 1386.23 is amended by revising paragraph (c) and the OMB statement to read as follows:

§ 1386.23 Periodic reports: Protection and Advocacy System.

(c) Financial Status reports must be submitted by the Protection and Advocacy Agency according to a frequency interval which will be specified by OHDS. In no case will such reports be required more frequently than quarterly.

[Information collection requirements contained in paragraph (b) under control number 0980-0160 and paragraph (c) under control number 0348-0039 are approved by the Office of Management and Budget.]

Subpart C—State Plan for Provision of Services for Persons With Developmental Disabilities

10. Section 1386.30 is amended by revising paragraph (e)(4) to read as follows:

§ 1386.30 State plan requirements.

(e) *

(4) Each Planning Council may, at its option, hire staff and obtain the services of other technical, professional, and clerical staff, that the council determines is necessary to carry out its functions. The designated State Agency shall disburse funds for such personnel consistent with State Law.

11. Section 1386.32 is amended by revising paragraph (a) and the OMB statement to read as follows:

§ 1386.32 Periodic reports: Basic State grants.

(a) The Governor or the appropriate State financial Officer must submit financial status reports on the programs funded under this subpart according to a frequency interval which will be specified by OHDS. In no case will such reports be required more frequently than quarterly.

* * * * [Information collection requirements contained in paragraph (a) under control number 0348-0039 and paragraph (b) under control number 0980-0172 are approved by the Office of Management and Budget.]

12. Section 1386.33 is amended by revising paragraph (a) to read as follows:

§ 1386.33 Protection of employee's interests.

(a) Based on section 122(b)(7)(B) of the Act (42 U.S.C. 6822(b)(7)(B)), the State plan must provide for fair and equitable arrangements to protect the interest of all institutional employees affected by actions under the plan to provide alternative community living arrangements. Specific arrangements for the protection of affected employees must be developed through negotiations between the appropriate State authorities and employees or their representatives. Fair and equitable arrangements must include procedures that provide for the impartial resolution of disputes between the State and an employee concerning the interpretation, application, and enforcement of protection arrangements. The State must inform employees of the State's decision to provide alternative community living arrangements.

13. In § 1386.35 a new paragraph (c) is added to read as follows:

§ 1386.35 Allowable and non-allowable costs for basic State grants.

(c) Expenditure of funds which supplant State and local funds will be disallowed. Supplanting occurs when State or local funds previously used to fund activities in the developmental disabilities State Plan are replaced by Federal funds which are then used for the same purpose. However, supplanting does not occur if State or local funds are replaced with Federal funds for a particular activity or purpose in the approved State Plan if the State or local funds are then used for other activities or purposes in the approved State Plan.

14. Part 1387 is revised to read as follows:

PART 1387—PROJECTS OF NATIONAL SIGNIFICANCE

Authority: 42 U.S.C. 6000 et. seq.

§ 1387.1 General requirements.

(a) All projects funded under this part must be of national significance and serve or relate to the developmentally disabled to comply with section 162 of the Act.

(b) Based on section 162(c), proposed priorities for grants and contracts will be published in the *Federal Register* and a 60 day period for public comments will be allowed.

(c) The requirements concerning format and content of the application, submittal procedures, eligible applicants and final priority areas will be published in program announcements in the *Federal Register*.

(d) Projects of national significance must be exemplary models and have potential for replication or otherwise meet the goals of part E of the Act.

15. The heading of part 1388 is revised to read as follows:

PART 1388—THE UNIVERSITY AFFILIATED PROGRAMS

16. The authority citation for part 1388 continues to read as follows:

Authority: 42 U.S.C. 6000 et. seq.

17. In part 1388 wherever the term UAF is used, it is changed to UAP, and wherever the term University Affiliated Facilities is used, it is changed to University Affiliated Programs.

18. Section 1388.5 is amended by revising paragraph (f)(3) to read as follows:

§ 1388.5 Program criteria—training

(f) *

(3) Training priorities must consider national manpower needs with particular attention to the following areas:

(i) Early intervention programs;

(ii) Programs for elderly persons with developmental disabilities; and

(iii) Community based programs.

19. A new § 1388.9 has been added to read as follows:

§ 1388.9 Peer review.

(a) The purpose of the peer review process is to provide the Commissioner, ADD, with technical and qualitative evaluation of UAP and Satellite Center applications.

(b) Peer review panels will evaluate all applications under Part D, Section 152, consisting of applications for:

(1) Core UAP and Satellite Center funding;

(2) Feasibility studies; and

(3) Training projects in areas of emerging national significance.

(c) Panels will be composed of individuals with expertise and experience in the field appropriate to the activities conducted by UAP and Satellite Centers.

[FR Doc. 89-26935 Filed 11-17-89; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 178, and 179

[Docket No. HM-166W, Amdt Nos. 171-104, 172-118, 173-216, 174-66, 178-90, and 179-42]

RIN 2137-AA44

Transportation of Hazardous Materials; Miscellaneous Amendments; Correction

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Final rule; corrections.

SUMMARY: This document makes certain corrections to a final rule issued under Docket HM-166W, which was published in the *Federal Register* on Wednesday, September 20, 1989 (54 FR 38790). The final rule amended the Hazardous Materials Regulations (HMR) by updating certain regulations, and adopting certain provisions which resulted in reducing RSPA's backlog of rulemaking petitions and eliminating the need for certain DOT approvals.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Morris, Standards Division, DHM-12, Office of Hazardous Materials Transportation, 400 Seventh St. SW., Washington, DC 20590. (202) 366-4488.

EFFECTIVE DATE: November 15, 1989.

SUPPLEMENTARY INFORMATION: This document corrects editorial, typographical and printing errors contained in a final rule published under Docket HM-166W, on September 20, 1989 (54 FR 38790). In addition, this document corrects an error of omission pointed out by the National Industrial Transportation League in a late-filed petition for reconsideration concerning 49 CFR 173.31. In changing requirements for coupler vertical restraint systems,

RSPA provided a one year implementation period for upgrading non-specification tank cars. RSPA inadvertently failed to provide an equivalent period for upgrading DOT specification tank cars which previously were not required to have coupler vertical restraint systems, specifically those used for non-regulated materials. This error is corrected by adding a sentence to § 173.31(a)(5) to provide until November 15, 1990 for bringing these cars into compliance. The following section-by-section review addresses corrections to the September 20, 1989 final rule.

Section 171.7

In § 171.7, on page 38793, paragraph (d)(33) which incorporates by reference a publication of The Fertilizer Institute is redesignated as paragraph (d)(31).

Section 171.12

In place of revising the last sentence in § 171.12(b), the amendatory language to § 171.12, on page 38793, placed the new text incorrectly after the last sentence in paragraph (b). Paragraph (b) is corrected in this document.

Section 172.101

In § 172.101, the Hazardous Materials Table, beginning on page 38793, is amended by removing the letter "A" from column (1) for the entry "1,1-Difluoroethylene (R-1132A)." The description in the entry "Vinyl methyl ether" is corrected to read "Vinyl methyl ether" and a plus (+) sign is reinstated in column (1). By oversight, the entry "Life rafts, inflatable" which was replaced by the entry "Life-saving appliances, self-inflating" was not removed from the table. This oversight is corrected in this document.

A separate cross reference entry. "Perchloroethylene See Tetrachloroethylene" with the identification number "NA 1897" was added in the final rule. RSPA wishes to alert users that "Perchloroethylene" is not an international description and, therefore, the identification number is preceded with the "NA" prefix. Consistent with § 172.101(j), use of the "UN" prefix with the description "Perchloroethylene" will no longer be authorized after November 15, 1990. The entry "Tetrachloroethylene or Perchloroethylene" which appears with the identification number "UN 1897" is corrected to read "Tetrachloroethylene" in column (2). For this same reason, for the entry containing the description, "Tetraethylammonium perchlorate (dry)", which also is not an international description, the identification number prefix is changed from "UN" to "NA".

Section 173.31

In § 173.31(a)(5), on page 38794, the section is revised to include the effective date of November 15, 1990 for DOT specification tank cars used for non-regulated materials.

Section 173.264

In § 173.264(b)(1), on page 38795, the section reference "173.38" is corrected to read "178.38".

Section 173.304

In § 173.304(b), on page 38795, the description "1,1-Difluorethylene" is corrected to read "1,1-Difluoroethylene".

Section 174.510

In § 174.510, on page 38796, the fourth sentence rather than the third sentence, is amended by removing the phrase "dated May 7, 1971".

Section 178.224-1

In § 178.224-1(a)(1) table, on page 38797, several editorial and printing errors are corrected.

Section 179.203-1

In § 179.203-1(c), which was omitted in item 48 on page 38799, the reference to "§ 179.105-6" is corrected to read "§ 179.14."

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Import and export shipments, Incorporation by reference.

49 CFR Part 172

Hazardous materials transportation, Hazardous materials table.

49 CFR Part 173

Hazardous materials transportation, Packagings and containers.

49 CFR Part 174

Hazardous materials transportation, Rail carriers, Railroad safety.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

49 CFR Part 179

Hazardous Materials transportation, Railroad safety, Tank cars.

In consideration of the foregoing, 49 CFR parts 171, 172, 173, 174, 178 and 179 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806; 49 CFR part 1.

§ 171.7 [Amended]

2. In § 171.7, on page 38793, paragraph (d)(33) is correctly designated as paragraph (d)(31).

3. In § 171.12, on page 38793, paragraph (b) is correctly revised to read as follows:

§ 171.12 Import and export shipments.

(b) Except for Class A and Class B explosives and radioactive materials, a hazardous material which is classed and labeled in accordance with the conditions and limitations specified in § 172.102 of this subchapter when being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation and transported within the United States if it is otherwise offered, accepted, and transported in accordance with this subchapter. In addition—

(1) An appropriate shipping name specified for a material in § 172.102 of this subchapter may be substituted for its proper shipping name in § 172.101 of this subchapter (subject to the conditions and limitations of this paragraph and § 172.102 of this subchapter) if all or a portion of this transportation of the material is by vessel; and

(2) A hazardous material may be stowed and segregated in freight containers in conformance with the IMDG Code, when transported by motor vehicle or rail car, if a portion of the transportation of the material is by vessel.

PART 172—HAZARDOUS MATERIALS TABLES, HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

4. The authority citation for part 172 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 49 CFR part 1.

§ 172.101 [Amended]

5. In § 172.101, beginning on page 38793, the amendments to the Hazardous Materials Table are corrected as set forth below:

a. For the added entry, "1,1-Difluoroethylene (R-1132A)", the letter "A" is removed in column (1).

b. For the added entry, "Tetraethylammonium perchlorate (dry)," the identification number prefix is changed from "UN" to "NA" in column (3A).

c. The revised description "Vinyl methyl ether", appearing in column (2), is corrected to read "Vinyl methyl ether" and a plus (+) is added in column (1).

5a. In addition, § 172.101 is correctly amended by removing the line entry for "Life rafts, inflatable" and the description "Tetrachloroethylene or Perchloroethylene", appearing in column (2), is revised to read "Tetrachloroethylene".

PART 173—SHIPPIERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

6. The authority citation for part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR part 1, unless otherwise noted.

7. On page 38794, in the second column, paragraph (a)(5) of § 173.31 is correctly revised to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) *

(5) Each DOT specification tank car shall be equipped with a coupler vertical restraint system that meets the requirements of § 179.14 of this subchapter. Prior to November 15, 1990, this requirement does not apply to a tank car used only for the transportation of materials not subject to the requirements of this subchapter.

§ 173.264 [Amended]

8. In amendatory instruction paragraph 20 for § 173.264, on page 38795, the reference to "173.38" is corrected to read "178.38".

§ 173.304 [Amended]

9. In § 173.304(b), on page 38795, the description "1,1-Difluoroethylene (R-1132A)" is correctly added to read "1,1-Difluoroethylene (R-1132A)".

PART 174—CARRIAGE BY RAIL

10. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806; 49 CFR part 1.

§ 174.510 [Amended]

11. In amendatory instruction paragraph 26, on page 38796, for § 174.510, the reference to "the third sentence" is corrected to read "the fourth sentence."

PART 178—SHIPPING CONTAINER SPECIFICATIONS

12. The authority citation for part 178 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR part 1, unless otherwise noted.

13. The table, in § 178.224-1(a)(1), on page 38797, is correctly revised to read as follows:

§ 178.224-1 Construction requirements.

[a] *

[1] *

Net weight of contents (pounds) not over	Capacity, maximum (gallons) (not over)	Diameter inside maximum (inches)	Sidewall strength (lbs.) ^{1,2}	Fiber ³		Steel, U.S. (gauge)	Wood thickness (inches)		Plastic
				Thickness (inches)	Strength		Solid ^{4,5,6}	Plywood at least 3-ply construction	
60.....	5	11 1/4	500	.090	600	28	1 3/16	3/16	.090
60.....	20	18 1/2	600	.120	800	28	1 3/16	3/16	.090
115.....	20	18 1/2	700	.120	800	26	1 3/16	3/8	.090
115.....	75	23	800	.160	1100	26	1 3/16	7/16	.090
250.....	75	23	900	.200	1200	24	1 3/16	7/16	.090
400.....	75	23	1000	.220	1300	24	1 3/16	7/16	.090

¹ Mullen or Cady Test. Either of the following test methods may be used. When more than single ply, test shall be determined from the summation of the tests of individual plies; or, when test is made on a complete drum, the punctures shall be made from the exterior to the interior surface in which case the values for sidewall shall be not less than 80 percent of the value in the above table and the values for fiber tops and bottoms shall be not less than the value in the above table. There shall be a minimum of six tests and the average shall be not less than the prescribed minimum requirements.

² Sidewalls. Sidewalls to be convolutely wound of fiberboard at least 0.012 inch thick the plies being secured together with adhesives; or may consist of an outer shell and an inner tube each convolutely wound with each fiberboard ply not less than 0.012 inch thick and secured together with adhesive. Drums may contain barrier or lining materials.

³ When made of 2 or more discs, the discs must be fastened together with adhesive.

⁴ Joints in head must be Linderman joints, glued, except as specified in footnote 5.

⁵ Wooden heads at least one-half inch thick having kraft paper glued on both sides at all contact areas with water-resistant adhesive are authorized provided tests prescribed in § 178.224-2 are successful. Joints of any type are authorized.

⁶ Minimum thickness may be reduced to $\frac{3}{8}$ inch for lumber dressed two sides.

PART 179—SPECIFICATION FOR TANK CARS

14. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1, unless otherwise noted.

§ 179.203-1 [Amended]

15. In amendatory instruction paragraph 48 on page 38799, "§ 179.203-1(c)", should have appeared in the listing in column 3 between "179.106-4(b)" and "179.203-2(a)(1)".

Issued in Washington, DC on November 13, 1989 under authority delegated in 49 CFR part 1.

Travis P. Dungan,
Administrator, Research and Special Programs Administration.

[FR Doc. 89-27039 Filed 11-15-89; 11:08 am]
BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 383

RIN 2125-AB68

Commercial Driver Testing and Licensing Standards; Corrected Description of Vehicle Group "C"

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment corrects the description of Vehicle Group C in 49 CFR 383.91 to conform with the definition of "commercial motor vehicle" in § 383.5. Group C will now explicitly include any vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B, but that is either designed to transport 16 or more passengers including the driver, or used in the transportation of hazardous materials requiring placarding. Figure 1 accompanying § 383.91 is revised accordingly.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. Neil E. Moyer, Office of Motor Carrier Standards, (202) 366-5844, or Mr. Paul L. Brendan, Office of Chief Counsel, (202) 366-1350, Federal Highway Administration, 400 Seventh Street, SW.,

Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On the basis of section 12019(6) of the Commercial Motor Vehicle Safety Act of 1986 (title XII of Pub. L. 99-570), 49 CFR 383.5 defines a "commercial motor vehicle (CMV)" in two ways: by weight, and by specific use. Any combination motor vehicle having a gross combination weight rating (GCWR) of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds—regardless of the commodities it carries or its passenger-handling capacity—is a CMV, and forms part of Vehicle Group A as defined in § 383.91. Similarly, any single motor vehicle having a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, is a CMV regardless of its lading or its seating capacity, and belongs in Vehicle Group B according to § 383.91.

Section 383.5 further defines as a CMV—*regardless of size*—any motor vehicle or combination of motor vehicles that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under 49 CFR part 172, Subpart F. Section 383.5 clearly intends that *all* vehicles not meeting the weight- and configuration-based requirements of Vehicle Group A or B, but fulfilling the seating capacity or hazardous materials use requirements, shall be CMVs, and their drivers shall hold commercial drivers' licenses (CDLs). It is precisely this group of vehicles and drivers that the FHWA intended to subsume under its definition of Vehicle Group C in § 383.91(a)(3).

As published July 21, 1988 (53 FR 27628), the Group C definition reads as follows:

Any single vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. This group comprises vehicles designed to transport 16 or more passengers including the driver, and vehicles used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which

require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

In thus defining Group C, the FHWA attempted to specifically delineate all vehicle configurations falling outside the definitions of Group A or B. The following configuration was, however, mistakenly omitted from the definition of Group C:

Any vehicle less than 26,001 pounds GVWR towing a vehicle in excess of 10,000 pounds GVWR, *provided the GCWR of the combination is less than 26,001 pounds*.

This technical amendment corrects that error by redefining Group C to include any single vehicle, or combination of vehicles, that does not meet the definition of Vehicle Group A or B, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials requiring placarding under the Hazardous Materials Regulations.

To conform with this amendment to the regulatory text, the verbal description of Group C in Figure 1, incorporated in § 383.91(d), has been revised and a new version of the figure added.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The amendment in this document is technical in nature and needed solely to correct existing regulations. For these reasons and since this rule imposes no additional burdens on the States or other Federal agencies, the FHWA finds good cause to make this regulation final without prior notice and opportunity for comments and without a 30-day delay in effective date under the Administrative Procedure Act. For the same reasons, notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information.

Since the changes in this document are technical in nature, the anticipated economic impact, if any, is minimal. Therefore, a full regulatory evaluation is not required. For the above reasons and

under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 383

Commercial driver's license documents, Commercial motor vehicles, Highways and roads, Motor carriers

licensing and testing procedures, and Motor vehicle safety.

[Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety]

Issued on November 15, 1989.

Larry L. Thompson,
Chief Counsel, Federal Highway Administration.

In consideration of the foregoing, the FHWA hereby amends title 49, Code of Federal Regulations, chapter III, Subchapter B, as set forth below.

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES [AMENDED]

1. The authority citation for 49 CFR part 383 continues to read as follows:

Authority: Title XII of Public Law 99-570, 100 Stat. 3207-170; 49 U.S.C. 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

2. Section 383.91 is amended by revising paragraph (a)(3) to read as follows:

§ 383.91 Commercial motor vehicle groups.

- (a) * * *
- (1) * * *
- (2) * * *

(3) *Small vehicle (Group C)*—Any single vehicle, or combination of vehicles, that meets neither the definition of Group A nor that of Group B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

* * * * *

3. Figure 1, incorporated in § 383.91, is amended by revising the verbal description of Group C. The figure, as revised, appears as follows.

BILLING CODE 4910-22-M

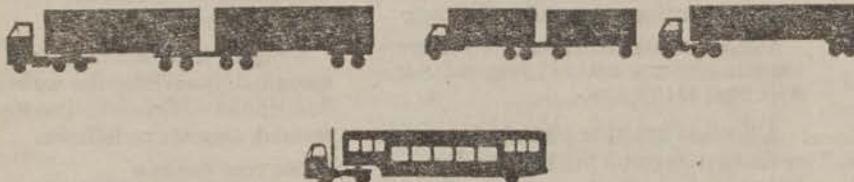
Figure 1
VEHICLE GROUPS AS ESTABLISHED BY FHWA (SECTION 383.91)

[Note: Certain types of vehicles, such as passenger and doubles/triples, will require an endorsement. Please consult text for particulars.]

Group: *Description:

- A Any combination of vehicles with a GCWR of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Group A license may, with any appropriate endorsements, operate all vehicles within Groups B and C.)

Examples include but are not limited to:



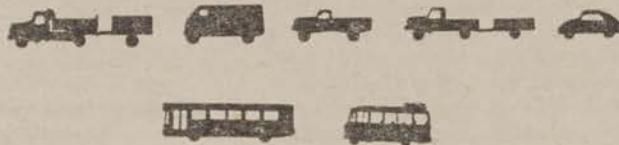
- B Any single vehicle with a GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Group B license may, with any appropriate endorsements, operate all vehicles within Group C.)

Examples include but are not limited to:



- C Any single vehicle, or combination of vehicles, that does not meet the definition of Group A or Group B as contained herein, but that either is designed to transport 16 or more passengers including the driver, or is placarded for hazardous materials.

Examples include but are not limited to:



* The representative vehicle for the skills test must meet the written description for that group. The silhouettes typify, but do not fully cover, the types of vehicles falling within each group.

Proposed Rules

Federal Register

Vol. 54, No. 220

Monday, November 20, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 318

[Docket 89-197]

Hot Water Dip Treatments for Mangoes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for a proposed rule to amend the Plant Protection and Quarantine regulations by: (1) Allowing a hot water dip treatment for additional varieties of mangoes from certain areas where *Anastrepha* species of fruit flies exist; (2) allowing a hot water dip treatment for mangoes from certain areas where the Mediterranean fruit fly exists; (3) lowering slightly the required temperature of the hot water dip for "Francis"-type mangoes; and (4) allowing mangoes treated in accordance with Plant Protection and Quarantine Treatment Manual (as revised by the proposal) to be moved from Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States. This extension will provide interested persons with additional time to prepare comments on the proposed rule.

DATE: Consideration will be given only to comments received on or before December 20, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 89-132. Comments may be inspected at Room 1141 of the South Building, 14th and Independence Avenue, SW.

Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:
Mr. James F. Fons, Senior Staff Officer, Port Operations, PPQ, AZPHIS, USDA, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 438-8646.

SUPPLEMENTARY INFORMATION:

Background

On September 29, 1989, we published in the Federal Register (54 FR 40116-40118, Docket No. 89-132) a document proposing to (1) allow a hot water dip treatment for additional varieties of mangoes from certain areas where *Anastrepha* species of fruit flies exist; (2) allow a hot water dip treatment for mangoes from certain areas where the Mediterranean fruit fly (Medfly) exists; (3) lower slightly the required temperature of the hot water dip for "Francis"-type mangoes; and (4) allow mangoes treated in accordance with the Plant Protection and Quarantine Treatment Manual (as revised by the proposal) to be moved from Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States.

The proposed rule requested the submission of written comments on or before October 30, 1989. We have received a request from the California Department of Food and Agriculture for a copy of the research data that demonstrates the effectiveness of the hot water dip treatment for the Mediterranean fruit fly and a copy of the data that supports a lower treatment temperature for the "Francis" and "Carrot" varieties of mangoes. The commenter also requested that the comment period be extended to allow for a review of the research data requested and follow-up comment on the efficacy of the proposed treatments.

In response to this request, we are reopening and extending the comment period for Docket No. 89-132 for 30 days from the date for publication of this notice. We will consider all written comments received on or before December 20, 1989. This action will allow the requestor and all other interested persons additional time to prepare comments.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, 167; 7 CFR 2.17, 2.51 and 371.2(c).

Done in Washington, DC, this 15th day of November 1989.

James W. Glosser,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-27194 Filed 11-17-89; 8:45 am]
BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 741

Fees Paid by Federal Credit Unions; Share Insurance and One Percent Capitalization Deposit

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed amendments.

SUMMARY: These are proposed rules to amend existing §§ 701.6 and 741.9 of the NCUA Rules and Regulations (12 CFR 701.6 and 741.9) to add a new subsection to each Section entitled "Assessment of Administrative Fee and Interest for Delinquent Payment." The proposed amendments provide for assessment of an administrative fee for any operating fee, insurance capitalization deposit, or insurance premium payment which is not received on its due date and is intended to compensate the NCUA for the additional administrative expenses which are incurred as a result of late payments. The proposed amendments also provide for interest on such late payments and are intended to compensate the NCUA for interest lost by NCUA on these funds due to late payment by a credit union.

DATE: Comments must be received on or before December 22, 1989.

ADDRESS: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT:
Herbert S. Yolles, Controller, at the above address, telephone: (202) 682-9710, or Sheila A. Albin, Staff Attorney, at the above address, telephone: (202) 682-9630.

SUPPLEMENTARY INFORMATION: Section 105 and 202 of the Federal Credit Union Act (12 U.S.C. 1755 and 1782) authorize the NCUA Board to assess operating fees on all Federal credit unions and the insurance capitalization deposit and insurance premiums on all federally-

insured credit unions. Sections 120 and 209 of the Federal Credit Union Act (12 U.S.C. 1766 and 1789) grant the NCUA Board general rulemaking authority. In addition, 31 U.S.C. 3717 grants Federal agencies the authority to impose fees and penalties for processing and handling delinquent claims and interest on such claims.

In December of every year, the NCUA sends invoices to all federally-insured credit unions for the amount due for their capitalization deposit, and annual insurance premium (if assessed). For Federal credit unions, the invoice also sets out the amount due for the credit union's operating fee. Each year, a significant number of credit unions fail to remit the required payments on time. As a result, the NCUA is required to undertake collection efforts which involve: identifying those credit unions that are delinquent; maintaining accounts receivable records; sending additional notices to the delinquent credit unions stating that the share insurance deposit, insurance premium, and/or operating fee are overdue; and, as necessary in some cases, making personal contact with the credit union through telephone calls or on-site visits to collect the delinquent fees. Also, delinquent payments must be processed individually rather than centrally, which results in additional processing burdens. Finally, when the operating fees and share insurance deposits/premiums are not received on time, the NCUA loses the interest it would otherwise receive on its investment of these funds in U.S. Treasury securities.

Pursuant to the authorities noted above, the Board has determined that these costs should be charged to the delinquent credit unions rather than borne by all credit unions. Because the administrative burden of identifying and providing initial notices to delinquent credit unions is essentially the same irrespective of the amount owing, the Board has determined that it is fair to charge a basic administrative fee for this cost. An internal study is currently in process to determine what the basic cost is. For payments due in 1990, the basic administrative fee for delinquent payments is not expected to exceed \$100. This fee will be calculated on the basis of the actual staff time involved and direct costs of identifying delinquent credit unions and providing late notices to them and will be set forth in the final rule. In addition, delinquent credit unions will be charged for the actual cost of collection work by NCUA personnel calculated by multiplying the actual time expended by the hourly compensation of the NCUA staff

members typically involved in these activities. For 1990 payments, the hourly rate will be \$20. This is based on the average hourly cost of salaries and benefits of NCUA staff. Finally, the proposed rule imposes interest charges on the delinquent payment as authorized under 31 U.S.C. 3717. Federal agencies are authorized under 31 U.S.C. 3717 to charge interest on outstanding claims at the average investment rate for Treasury tax and loan accounts. Interest will accrue from the date the payment is due; however, credit unions have a thirty-day grace period before the interest will be charged. The interest rate effective for 1990 payments is 9% (see 54 FR 45886 October 31, 1989).

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certifies that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small credit unions, primarily those under \$1 million in assets. The reasons for this determination are that the administrative fee to be charged all credit unions irrespective of the amount due is not large and will not create a financial burden for the smaller credit unions. Further, the assessment of interest provides a built-in sliding scale because interest will be charged on the amount owing, which is smaller for the smaller credit unions. The proposed rule will not create any significant or disproportionate demands for legal, accounting, or consulting expenditures. Accordingly, the NCUA Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The Board has determined that the requirements of the Paperwork Reduction Act do not apply.

Executive Order 12612

The proposed change to § 741.9 will apply to both Federal credit unions and federally-insured, state-chartered credit unions. The NCUA Board, pursuant to Executive Order 12612, has determined that the proposed amendment will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Further, the proposed rule will not preempt provisions of state law or regulation. As noted above, the Board believes that costs should be charged to delinquent credit unions rather than to all credit unions.

List of Subjects in 12 CFR Parts 701 and 741

Credit unions, Insurance requirements, Late fees.

By the National Credit Union Administration Board on November 13, 1989.

James J. Engel,

Acting Secretary of the Board.

Accordingly, NCUA proposes to amend its regulations as follows:

1. The authority citation for part 701 is revised to read as follows:

Authority: 12 U.S.C. 1755–57, 1759, 1761a, 1761b, 1766–67, 1782, 1784, 1787–89. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 3601–3610.

2. Section 701.6 is amended by adding paragraph (d) to read as follows:

§ 701.6 Fees paid by Federal credit unions.

* * * * *

(d) *Assessment of Administrative Fee and Interest for Delinquent Payment.* Each Federal credit union shall pay to the Administration an administrative fee, the costs of collection, and interest on any delinquent payment of its operating fee. A payment will be considered delinquent if it is postmarked later than the date stated in the notice to the credit union provided under § 701.6(c), unless delinquent payment is due to circumstances beyond the control of the credit union.

(1) The administrative fee for a delinquent payment shall be an amount as fixed from time to time by the National Credit Union Administration Board based upon the administrative costs of such delinquent payments to the Administration in the preceding year.

(2) The costs of collection shall be calculated as the actual hours expended by Administration personnel multiplied by the average hourly salary and benefits costs of such personnel as determined by the National Credit Union Administration Board.

(3) The interest rate charged on any delinquent payment shall be the U.S. Department of the Treasury Tax and Loan Rate in effect on the date when the payment is due as provided in 31 U.S.C. 3717.

(4) If a credit union makes a combined payment of its operating fee and its share insurance deposit, as provided in section 741.9, and such payment is delinquent, then only one administrative fee will be charged and interest will be charged on the total combined payment.

3. The authority citation for part 741 is revised to read as follows:

Authority: 12 U.S.C. 1757, 1786(a), and 1781 through 1790. Section 741.9 is also authorized by 31 U.S.C. 3717.

4. Section 741.9 is amended by adding paragraph (k) to read as follows:

§ 741.9 Insurance premium and one percent deposit.

* * * *

(k) *Assessment of Administrative Fee and Interest for Delinquent Payment.* Each federally-insured credit union shall pay to the Administration an administrative fee, the costs of collection, and interest on any delinquent payment of its capitalization deposit or insurance premium. A payment will be considered delinquent if it is postmarked later than the date stated in the invoice provided to the credit union unless delinquent payment is due to circumstances beyond the control of the credit union.

(1) The administrative fee for a delinquent payment shall be an amount as fixed from time to time by the National Credit Union Administration Board based upon the administrative costs of such delinquent payments to the Administration in the preceding year.

(2) The costs of collection shall be calculated as the actual hours expended by Administration personnel multiplied by the average hourly cost of the salaries and benefits of such personnel.

(3) The interest rate charged on any delinquent payment shall be the U.S. Department of the Treasury Tax and Loan Rate in effect on the date when the payment is due as provided in 31 U.S.C. 3717.

[FR Doc. 89-27068 Filed 11-17-89; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 89-ANM-15]

Proposed Alteration of Jet Route J-534; WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Route J-534 in the vicinity of Bellingham, WA. This jet route would provide parallel route structures for aircraft departures and arrivals in the Vancouver, BC, Canada, area. This action would enhance the flow of air traffic and reduce controller workload.

DATES: Comments must be received on or before December 29, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Docket No. 89-ANM-15, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 89-ANM-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter Jet Route J-534 in the vicinity of Bellingham, WA. Altering this jet route would provide parallel route structures for aircraft departures and arrivals in the Vancouver, BC, Canada, area. This action would enhance the flow of air traffic and reduce controller workload. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposal regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. § 75.100 is amended as follows:

J-534 [Amended]

By removing the words "From Bellingham, WA," and substituting the words "From INT Seattle, WA, 033°T(011°M) and Bellingham, WA, 090°T(067°M) radials; Bellingham."

Issued in Washington, DC, on November 7, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-27162 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**Bureau of Export Administration****15 CFR Ch. VII**

[Docket No. 91052-9252]

Requests for Comments on Effects of Foreign Policy-Based Export Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Request for comments on foreign policy-based export controls.

SUMMARY: The Bureau of Export Administration (BXA) is reviewing the foreign policy based export controls in the Export Administration Regulations (15 CFR parts 730 through 799) to determine whether they should be modified, rescinded or extended. To help BXA make this determination, BXA is seeking comments on how existing foreign policy based export controls maintained under section 6 of the Export Administration Act of 1979, as amended (EAA), have affected exporters and the general public.

DATE: Comments must be received by December 15, 1989 to assure full consideration in the formulation of export control policies.

ADDRESS: Written comments (six copies) should be sent to Patricia Muldonian, Regulations Branch (Room 1622), Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: John Bolsteins, Country Policy Branch,

Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-4830.

SUPPLEMENTARY INFORMATION:

Generally, the foreign policy controls maintained by the Bureau of Export Administration relate to the following: human rights (§ 776.14), South Africa and Namibia (§ 785.4(a)), Libya (§ 785.7), anti-terrorism (§ 785.4(d)), chemical warfare (§ 785.4(e)), regional stability (§ 776.16), embargoed communist countries (§ 785.1), truck manufacturing equipment for the Soviet Union's Kama River and Zil truck plants (§ 785.2(e)), and technology used in developing missiles capable of delivering nuclear weapons (§ 776.18). The licensing policies for these control programs are described in part 776 and 785 of the Export Administration Regulations.

On January 19, 1989, the Secretary submitted a report to Congress extending foreign policy controls for another year. All foreign policy export controls in effect as of that date were extended. One new control since that date has been promulgated, pertaining to chemical and biological agents (§ 776.19). This control was published in the *Federal Register* on February 28, 1989 (54 FR 8281).

To assure maximum public participation in the review process, comments on the extension or revision of the existing foreign policy controls for another year are solicited. BXA is particularly interested in the experience of individual exporters in complying with these controls, with emphasis on economic impact and specific instances of business lost to foreign competitors. BXA is also interested in comments relating to the effects of foreign policy controls on exports of replacement and other parts.

Parties submitting comments are asked to be as specific as possible. All comments received before the close of the comment period will be considered by the Department in reviewing the controls and developing the report to Congress. Among the criteria the Department considers in determining whether to continue or revise U.S. foreign policy export controls are the following:

1. The probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls, and that the foreign policy purpose cannot be achieved through negotiations or other alternative means;

2. The compatibility of the proposed controls with the foreign policy

objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

3. The likelihood that the reaction of other countries to the extension of such controls by the United States will render the controls ineffective in achieving the intended foreign policy purpose or be counterproductive to United States foreign policy interests;

4. Whether the effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives;

5. The ability of the United States to enforce the proposed controls effectively; and

6. The foreign policy consequences of not extending the export controls.

The Department will accept comments or information accompanied by a request that part or all of the material be treated confidentially because of its proprietary nature or for any other reason. The information for which confidential treatment is requested should be submitted to the Bureau of Export Administration (BXA) separate from any non-confidential information submitted. The top of each page should be marked with the term "Confidential Information". The Bureau of Export Administration will either accept the submission in confidence, or if the submission fails to meet the standards in confidence, or if the submission fails to meet the standards for confidential treatment, will return it. A non-confidential summary must accompany such submissions of confidential information. The summary will be made available for public inspection.

Information accepted by the Bureau of Export Administration as privileged under section (b) (3) or (4) of the Freedom of Information Act (5 U.S.C. 552(b) (3) and (4)) will be kept confidential and will not be available for public inspection, except as authorized by law.

Communication between agencies of the United States Government and foreign governments will not be made available for public inspection.

All other information relating to the notice will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, the

Department requires written comments. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying.

The public record concerning these comments will be maintained in the Freedom of Information Records Inspection Facility, Room 4886, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about inspection and copying of records at this facility may be obtained from Margaret Cornejo, Bureau of Export Administration, Freedom of Information Officer, at the above address or by calling (202) 377-2593.

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-445 of December 29, 1981, Pub. L. 99-64 of July 12, 1985, and by Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36881 of September 10, 1985).

Dated: November 14, 1989.

James M. LeMunyon,
Deputy Assistant Secretary for Export Administration.

[FR Doc. 89-27186 Filed 11-17-89; 8:45 am]
BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-3-89]

RIN: 1545-AN51

Group-Term Life Insurance

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the rules and regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing final and temporary regulations relating to group-term life insurance. The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: The regulations are proposed to apply to taxable years beginning after December 31, 1988. Written comments

and requests for a public hearing must be delivered or mailed by January 19, 1990.

ADDRESS: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T.R (EE-3-89), Room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Betty J. Clary, 202-586-4465 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new temporary regulation § 1.79-3T to part 1 of title 26 of the Code of Federal Regulations. A cross-reference to that new section appears in § 1.79-3(d)(2). The final regulations that are proposed to be based on these temporary regulations would include the new provisions directly in § 1.79-3(d)(2). Those final regulations would provide rules to calculate the cost of group-term life insurance provided by an employer to an employee. For the text of the temporary regulations, see T.D. 8273 published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the regulations.

Special Analyses

It has been determined that these proposed regulations will not be major regulations as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the proposed regulations have been sent to the Administrator of the Small Business Administration for comment on their impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Internal Revenue Service by any person who also submits written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Betty J. Clary,

Office of the Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However, other personnel from the Service and Treasury Department participated in their development.

Fred T. Goldberg, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 89-27107 Filed 11-17-89; 8:45 am]
BILLING CODE 4630-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 175 and 181

[CGD 81-023]

RIN 2115-AA58

Equipment Requirement for Recreational Boats; Personal Flotation Devices

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: A pamphlet containing information about the selection, use and care of personal flotation devices (PFD's) is required to be packaged with each new PFD sold or offered for sale. The requirements for PFD pamphlets need to be revised and updated. The Coast Guard proposes to incorporate by reference the PFD pamphlet design and packaging requirements in Underwriters Laboratories Standard for Marine Buoyant Devices (UL 1123). This rulemaking will result in improved PFD pamphlets which will increase boater awareness and use of PFD's. The Coast Guard also proposes to revise other PFD related sections to reflect approval of special purpose Type V PFD's, and to remove an obsolete exemption from PFD carriage requirements.

DATES: Comments must be received on or before February 20, 1990.

ADDRESSES: Comments should be submitted to the Executive Secretary, Marine Safety Council (G-LRA-2/3600), U. S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001. Comments may be delivered to and will be available for examination and copying at the Marine Safety Council, Room 3600, 2100 Second Street, SW., Washington, DC 20593-0001, between 8 a.m. and 3 p.m., Monday through Friday, except holidays.

A copy of UL 1123 PFD Pamphlet requirements and an example of a type III PFD pamphlet may be obtained by sending a self-addressed 8½" × 11" envelope with postage paid for 4 ounces

to Commandant (G-NAB/12), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001 (or by calling the Coast Guard at (202) 267-1077 for a copy of the example pamphlet only).

FOR FURTHER INFORMATION CONTACT:

Carlton Perry, Office of Navigation Safety and Waterway Services (G-NAB/12), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 0979, between 8 a.m. and 3 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to submit written views, data or arguments on these proposed rules. Persons submitting comments should include their names and addresses, identify this Notice (CGD 81-023) and give the reasons for the comment. Persons desiring acknowledgment that their comments have been received should include a stamped, self-addressed postcard or envelope. The proposal may be changed in light of comments received. All comments received by the end of the comment period will be considered before final action is taken on this proposal. No public hearing has been scheduled, but one may be held at a time and place to be set in a later notice in the *Federal Register*, if requested by persons raising a genuine issue and if it is determined that the rulemaking will benefit from oral presentations.

Drafting Information: The principal persons involved in drafting this proposed rule are Carlton Perry, Project Manager, and Christena Green, Project Attorney, Office of the Chief Counsel.

Background: The Coast Guard published a notice of proposed rulemaking (NPRM) in the *Federal Register* on April 12, 1982 (47 FR 15606). That notice proposed to revoke an obsolete exception to PFD carriage requirements in effect for certain kayaks or canoes before October 1, 1977. It also proposed a number of editorial changes, including a revision of the specified text for PFD pamphlets. Interested persons were given until June 11, 1982, to submit comments. No public hearing was held.

Discussion of Comments: A total of 3 comments were received in response to the NPRM. The comments came from a State boating law administrator, a PFD manufacturer, and Underwriters Laboratories.

PFD size and fit. One comment suggested adding a phrase in 33 CFR 175.15 to require that each PFD carried must be of suitable size and fit for the intended wearer. This requirement already exists in § 175.21(c). However, the Coast Guard proposes to amend

§ 175.21 to make the size and fit requirements more apparent.

Type IV PFD description. One comment suggested that the term "Special Purpose Water Safety Buoyant Device" not be used in Table 175.23 for both Type III and Type IV PFD's, because the term, used to introduce Type III PFD's in the early 1970's, only confuses the individual consumer. This term is included in the equivalents table because that is the actual term on the device approval label. However, the Coast Guard now proposes to remove Table 175.23.

Removal of PFD pamphlets. One comment agreed that pamphlets should not be removed from PFD's prior to sale, but that in his experience, a mere statement on the PFD pamphlet would not prevent merchants from removing the pamphlet from the device. Although manufacturers are required to enclose or attach a pamphlet to each PFD, there is no safeguard requirement to prevent removal of that pamphlet by others prior to sale of the PFD. The Coast Guard proposes to revise § 181.703 to prohibit the sale of a PFD unless a pamphlet meeting UL 1123 is attached.

Contents of PFD information pamphlet. Both the PFD manufacturer and Underwriters Laboratories suggested numerous specific text revisions to improve the descriptions and comparisons of various Types of PFD's and the information on care and use of PFD's generally.

In considering the extensive comments from the PFD manufacturer and Underwriters Laboratories, the Coast Guard worked with the National Boating Safety Advisory Council (NBSAC), Underwriters Laboratories (UL), and PFD manufacturers to develop improved text, illustrations and presentation. In November 1985, NBSAC endorsed development of a PFD pamphlet standard which could be incorporated by reference, rather than specifying text in Title 33 of the Code of Federal Regulations.

Since then, a number of PFD manufacturers, including the above commenter, have been actively involved with the Coast Guard and Underwriters Laboratories (UL) to develop an improved PFD information pamphlet to provide to purchasers of new PFD's. A public meeting (51 FR 3807; January 30, 1986) was held on March 7, 1986, in Tampa, Florida, to discuss revising the required PFD pamphlet text. UL 1123 was published on August 22, 1988, and became effective on March 1, 1989. The PFD pamphlet text and illustration requirements in UL 1123 provide the same type of information as currently required in 33 CFR 181.705, with updated

technical performance information and an improved format more likely to be read and understood by the PFD purchaser. The PFD pamphlet packaging requirements in UL 1123 provide the same access to the PFD pamphlet by the purchaser as currently required in 33 CFR 181.703. The UL 1123 standard requires all manufacturers of PFD's using UL for PFD inspection (subscribers to UL's Listing Service for Marine Buoyant Devices) to provide with each PFD a pamphlet meeting the text and illustration requirements of UL 1123.

Because the pamphlet text and illustration requirements of UL 1123 contain all the revisions proposed in the April 12, 1982 (47 FR 15606) NPRM, the Coast Guard now proposes to incorporate by reference the PFD pamphlet text and illustration requirements in UL 1123, 5th edition, rather than revising the existing text and illustration requirements. This incorporation by reference would extend the PFD pamphlet text and illustration requirements of UL 1123 to all PFD manufacturers.

While the Coast Guard is considering comments to this proposal, and until a final action is taken and made effective, subscribers to UL's Listing Service for Marine Buoyant Devices would be forced to bear the burden of complying with two separate PFD pamphlet requirements serving the same purpose. To relieve this unnecessary burden in the interim, the Coast Guard published an exemption from the requirements of 33 CFR 181.703 and 181.705 (54 FR 7763; February 23, 1989) for any PFD manufacturer complying with the PFD pamphlet requirements of UL 1123. The exemption became effective February 23, 1989, and terminates on February 23, 1992, unless sooner superseded by a final rulemaking, rescinded or otherwise terminated by separate notice.

Disposition of Items Proposed in 1982 NPRM: The following is a discussion of the revisions proposed in the 1982 NPRM. The Coast Guard has retained two of these revisions in this SNPRM.

- Delete an obsolete exception for certain kayaks and canoes valid prior to October 1, 1977. Retained in SNPRM.
- Remove the word "pamphlet" and comparable references in § 175.703 to allow PFD manufacturers to provide required information on paper other than pamphlets. Inconsistent with PFD pamphlet requirements of UL 1123 proposed for incorporation by reference. Not retained in SNPRM.

- Make PFD carriage requirements more concise by adding the term "Type V" to the list of PFD Types in § 175.15; removing § 175.17, now unnecessary;

and deleting references to § 175.17 in §§ 175.19 and 175.21. This proposal did not allow for a Type V PFD with Type IV characteristics. Not retained in SNPRM.

- Consolidate two paragraphs in § 175.15 on carriage requirements for Type I, II, and III PFD's and additional Type IV PFD into a single paragraph, 175.15(b), retained in SNPRM.

- Rewrite Table 175.23 for easier reading and include reference to Type V PFD. The Coast Guard believes this information table is no longer needed by the public and now proposes to remove it. Not retained in SNPRM.

- Rewrite § 181.703 for brevity and clarity. Superseded by incorporation by reference. Not retained in SNPRM.

- Revise § 181.705 to update pamphlet text and illustration requirements. Superseded by incorporation by reference. Not retained in SNPRM.

- Allow manufacturers to exhaust existing supply of printed text required by § 181.705 to lessen cost impact of new PFD pamphlet requirements. Most PFD manufacturers have complied with UL 1123 for PFD pamphlets since March 1, 1989. There is no known PFD pamphlet supply to be exhausted. Not retained in SNPRM.

Discussion of this supplemental proposal: The following is a topical discussion of the revisions proposed in this supplemental notice.

Carriage Requirements: Would revise § 175.15 to clarify that one Type IV PFD must be on board a recreational boat 16 feet in length or more in addition to a Type I, II, or III PFD for each person. Retained from 1982 NPRM.

Pre October 1, 1977, exception: Would remove paragraph 175.17(a). This provision, added in 1976, excepted operators of certain kayaks and canoes from the requirement to carry a Type I, II, III, or IV PFD prior to October 1, 1977, and is obsolete. Retained from 1982 NPRM.

Type V PFD Substitution: Would revise and combine paragraphs 175.17(b) and (c) into one paragraph, redesignated 175.17(a), to allow a Type V PFD to be used as a substitute for a Type I, II, III or IV PFD when used in accordance with the restrictions on the approval label, if any.

Stowage. Would revise PFD stowage requirements in § 175.19 to reflect that some Type V PFD's may be substituted for type IV PFD's.

PFD size and fit. Would revise § 175.21(c) to make current PFD size and fit requirements more apparent.

PFD Equivalents Table: Would remove § 175.23. In 1973, the Coast Guard required manufacturers to add the type designation in addition to the

approval number on new PFD labels. Millions of PFD's, already approved, did not bear the PFD type designation, or had a type designation different than the one adopted in 1973. Table 175.23 provided an index showing the type designation a PFD met, as long as it remained in serviceable condition, based on the Coast Guard approval number. This table resolved the type classification of older PFD's with no type designations or type designations inconsistent with the new type designation system. The few of these PFD's still in use are now about 20 years old, or older. The Coast Guard believes this information table is no longer needed in the Code of Federal Regulations and now proposes to remove it.

Incorporation by Reference: Would add a new § 181.4 to incorporate by reference UL 1123 requirements for design of PFD pamphlets (replaces § 181.705 requirements) and packaging of PFD pamphlets (replaces § 181.703 requirements). Section 181.703 would be revised and § 181.705 would be removed.

Recreational Hybrid PFD Information Pamphlet: Would revise § 181.702 to delete references to § 181.705.

PFD Information Pamphlet Requirements:

Would revise § 181.703 to reflect the changes proposed in this supplemental notice. A provision would be added to prohibit the sale of a PFD unless a pamphlet meeting UL 1123 is attached. The provision is intended to apply to individuals involved in selling new PFD's and not individuals subsequently reselling used PFD's.

Regulatory Evaluation

This proposed rulemaking is considered nonmajor under Executive Order No. 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). There is no change in the current requirement to carry flotation devices. Most PFD manufacturer's subscribe to UL's Listing Service for Marine Buoyant Devices and must already comply with UL 1123 requirements for PFD pamphlets. UL 1123 does not currently apply to manufacturers of Type I PFD's. Although this proposal would require these manufacturers to comply with the UL 1123 requirements, it is not expected to add a significant amount to their current cost to produce a PFD pamphlet. For these reasons, the economic impact of the rulemaking has been found to be so minimal that further evaluation is unnecessary. Since the impact of the rulemaking is expected to be minimal, the agency certifies that it will not have

a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The requirement for manufacturers to provide an information pamphlet with each PFD offered for sale is not subject to approval by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Since the PFD pamphlets are a public disclosure of information supplied to PFD manufacturers by the Coast Guard through its incorporation by reference of UL 1123, this requirement is not a "collection of information," under 5 CFR 1320.7(c)(2).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

33 CFR Part 175

Marine safety.

33 CFR Part 181

Marine safety, Labeling, Reporting requirements, Incorporation by reference.

In consideration of the foregoing, the Coast Guard proposes to amend parts 175 and 181 of title 33, Code of Federal Regulations as follows:

PART 175—EQUIPMENT REQUIREMENTS

1. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

2. Section 175.15 is revised to read as follows:

§ 175.15 Personal flotation devices required.

Except as provided in § 175.17:

(a) No person may use a canoe or kayak of any length or any other recreational boat less than 16 feet in length unless at least one PFD of the following types is on board for each person:

- (1) Type I PFD;
- (2) Type II PFD;
- (3) Type III PFD; or
- (4) Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless:

- (1) One Type IV PFD is on board, and

(2) At least one PFD of the following types is on board for each person:

- (i) Type I PFD;
- (ii) Type II PFD; or
- (iii) Type III PFD.

3. Section § 175.17 is revised to read as follows:

§ 175.17 Exceptions.

A Type V PFD may be carried in lieu of any PFD required under § 175.15 provided:

(a) The approval label on the Type V PFD indicates that the device is approved:

(1) For the activity in which the boat is being used; or

(2) As a substitute for a PFD of the Type required on the boat in use;

(b) The PFD is used in accordance with requirements on the approval label; and

(c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

4. Section 175.19 is revised to read as follows:

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each Type I, II, or III PFD required by § 175.15, or equivalent type allowed by § 175.17, is readily accessible.

(b) No person may use a recreational boat unless each Type IV PFD required by § 175.15, or equivalent type allowed by § 175.17, is immediately available.

5. Section 175.21 is revised to read as follows:

§ 175.21 Condition; size and fit; approval marking.

No person may use a recreational boat unless each PFD required by § 175.15 or allowed by § 175.17 is:

(a) In serviceable condition;

(b) Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

(c) Legibly marked with its approval number, as specified in 46 CFR part 160.

§ 175.23 [Removed]

6. Section 175.23 is removed.

PART 181—MANUFACTURER REQUIREMENTS

7. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 4302; 49 CFR 1.46.

8. Section 181.4 is added to read as follows:

§ 181.4 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal

Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the **Federal Register** and the material made available to the public. All approved material is on file at the Office of the **Federal Register**, 1100 L Street NW., Washington, DC, and at the United States Coast Guard Recreational Boating Product Assurance Branch, Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are:

Underwriters Laboratories, Inc.

333 Pfingsten Road, Northbrook, IL 60062.
UL 1123, Marine Buoyant Devices, edition
5—June 1989, § 181.703.

9. Section 181.702 is revised to read as follows:

§ 181.702 Recreational Hybrid PFD Information Pamphlet Requirements.

(a) Notwithstanding the requirements in § 181.703, each manufacturer of recreational hybrid PFD's must furnish with each of these PFD's a pamphlet meeting 46 CFR 160.077-27.

(b) The requirements for PFD pamphlets in § 181.703 do not apply to recreational hybrid PFD's.

10. Section 181.703 is revised to read as follows:

§ 181.703 PFD Information pamphlet requirements.

(a) Each manufacturer of a Type I, II, III, IV, or V personal flotation device must furnish with each PFD that is sold or offered for sale for use on a recreational boat an information pamphlet that meets the requirements of UL 1123, sections 33, 34 and 35.

(b) No person may sell or offer for sale for use on a recreational boat a Type I, II, III, IV, or V personal flotation device unless a PFD pamphlet required by this section is attached in such a way that it can be read prior to purchase.

§ 181.705 [Removed]

11. Section 181.705 is removed.

Dated: October 17, 1989.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 89-27165 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6974]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate

the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.
Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
American Samos	
Manu Islands, Tutuila Island (outlying areas)	
Unnamed Stream 4:	
At confluence with South Pacific Ocean.....	*4
Approximately 440 feet upstream of confluence with South Pacific Ocean.....	*31
Matavia Street:	
At confluence with South Pacific Ocean.....	*3
Approximately 70 feet upstream of confluence with South Pacific Ocean.....	*11
Approximately 400 feet upstream of confluence with South Pacific Ocean.....	*29
Misa Stream:	
At confluence with Matava Stream.....	*25
Approximately 100 feet upstream of confluence with Matava Stream.....	*30
Leulu Stream (Leone):	
At confluence with Leone Bay.....	*1
At confluence with Pala Lagoon.....	*7

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued	
Unnamed Stream 10:	
At confluence with Auvali Stream.....	*14
Approximately 300 feet upstream of confluence with Auvali Stream.....	*20
Approximately 500 feet upstream of confluence with Auvali Stream.....	*28
Siapapa Stream:	
At confluence with South Pacific Ocean.....	*2
Approximately 300 feet upstream of confluence with Fagaitua Bay.....	*10
Approximately 500 feet upstream of confluence with Fagaitua Bay.....	*12
Vaialafai Stream:	
At confluence with South Pacific Ocean.....	*2
Approximately 100 feet upstream of confluence with South Pacific Ocean.....	*10
Approximately 400 feet upstream of confluence with South Pacific Ocean.....	*11
Tialu Stream:	
At confluence with Vaialafai Stream.....	*8
Approximately 350 feet upstream of confluence with Vaialafai Stream.....	*11
Teleiva Stream:	
At confluence with South Pacific Ocean.....	*2
At Highway Bridge approximately 150 feet upstream of confluence with South Pacific Ocean.....	*15
400 feet upstream of confluence with South Pacific Ocean.....	*17
Unnamed Stream 7:	
At confluence with South Pacific Ocean.....	*1
300 feet upstream of confluence with South Pacific Ocean.....	*15
Unnamed Stream 6:	
At confluence with South Pacific Ocean.....	*3
Approximately 50 feet upstream of confluence with South Pacific Ocean.....	*15
Mulivaitse Stream:	
At confluence with South Pacific Ocean.....	*3
Approximately 100 feet upstream of confluence with South Pacific Ocean.....	*10
Approximately 700 feet upstream of confluence with South Pacific Ocean.....	*15
Approximately 1,800 feet upstream of confluence with South Pacific Ocean.....	*40
Approximately 2,000 feet upstream of confluence with South Pacific Ocean.....	*46
Vailoa Stream (Tula):	
At confluence with South Pacific Ocean.....	*4
Approximately 100 feet upstream of confluence with South Pacific Ocean.....	*10
Approximately 1,800 feet upstream of confluence with South Pacific Ocean.....	*13
Unnamed Stream 14:	
At confluence with South Pacific Ocean.....	*2
Approximately 1,150 feet upstream of confluence with Pala Lagoon.....	*5
Approximately 1,350 feet upstream of confluence with Pala Lagoon.....	*10
Approximately 1,620 feet upstream of confluence with Pala Lagoon.....	*20
Sagamea Stream:	
At confluence with Pala Lagoon.....	*1
Approximately 250 feet upstream of confluence with Pala Lagoon.....	*5
Approximately 450 feet upstream of confluence with Pala Lagoon.....	*11
Approximately 640 feet upstream of confluence with Pala Lagoon.....	*19
Papa Stream:	
At confluence with Pala Lagoon.....	*2
Approximately 500 feet upstream of confluence with Pala Lagoon.....	*5
Approximately 1,600 feet upstream of confluence with Pala Lagoon, just upstream of highway culvert.....	*20
Approximately 2,980 feet upstream of confluence with Pala Lagoon.....	*39
Mataali Stream:	
At confluence with Pala Lagoon.....	*2
Approximately 300 feet upstream of confluence with Pala Lagoon.....	*5

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued		PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued		PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued	
Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,450 feet upstream of confluence with Pala Lagoon, approximately 100 feet downstream of highway culvert.		Approximately 480 feet upstream of confluence with Gaoa Stream	"11	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Featele Stream:		At confluence with South Pacific Ocean	"1	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
*20		Approximately 450 feet upstream of confluence with South Pacific Ocean	"5	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Sauino Stream:		Approximately 1,100 feet upstream of confluence with Vatia Bay	"15	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Pala Lagoon		Tafu Stream Left Tributary:	"3	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 210 feet upstream of confluence with Pala Lagoon		At confluence with South Pacific Ocean	"5	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,400 feet upstream of confluence with Pala Lagoon		Approximately 450 feet upstream of confluence with Vatia Bay	"10	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,790 feet upstream of confluence with Pala Lagoon		Approximately 950 feet upstream of confluence with Vatia Bay	"15	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Vaitele Stream (Tahitafou):		Mulivai Stream:	"10	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Pala Lagoon		At confluence with South Pacific Ocean	"15	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 200 feet upstream of confluence with Pala Lagoon		Approximately 350 feet downstream of confluence with Tafu Stream Right Tributary	"25	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,750 feet upstream of confluence with Pala Lagoon		Approximately 880 feet upstream of confluence with Tafu Stream Right Tributary	"30	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 5,000 feet upstream of confluence with Pala Lagoon.		Tafu Stream Right Tributary:	"35	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Leaveave Stream:		At confluence with Mulivai Stream	"40	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Vaitele Stream		Approximately 400 feet upstream of confluence with Mulivai Stream	"45	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 990 feet upstream of confluence with Vaitele Stream		At confluence with Tafu Stream	"50	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 3,800 feet upstream of confluence with Vaitele Stream		Leasi Stream:	"55	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At road crossing, approximately 5,550 feet upstream of confluence with Vaitele Stream		At confluence with South Pacific Ocean	"60	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 550 feet downstream of road, crossing Leaveave Stream, located approximately 1,200 feet southwest of high school in Mapusaga Village		Approximately 180 feet upstream of confluence with South Pacific Ocean	"65	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Taumata Stream:		Suaia Stream:	"70	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Vaitele Stream		At confluence with South Pacific Ocean	"75	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Just downstream of road intersection, approximately 850 feet upstream of confluence with Vaitele Stream		Approximately 140 feet upstream of confluence with Laiolamauta Stream	"80	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,900 feet upstream of confluence with Vaitele Stream		Left Branch Laiolamauta Stream:	"85	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 400 feet upstream of confluence with Mapusagatui Stream		At confluence with Suaia Stream	"90	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 5,300 feet upstream of confluence with Mapusagatui Stream		Approximately 710 feet upstream of confluence with Suaia Stream	"95	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Mapusagatui Stream:		Vaitele Stream (Lauluitua):	"100	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Taumata Stream		At confluence with South Pacific Ocean	"105	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,600 feet upstream of confluence with Taumata Stream		Approximately 600 feet upstream of confluence with South Pacific Ocean	"110	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 3,600 feet upstream of confluence with Taumata Stream		Approximately 370 feet upstream of confluence with South Pacific Ocean	"115	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Drainageway 1:		Approximately 60 feet upstream of confluence with Lecea Stream	"120	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At confluence with Pala Lagoon		Approximately 840 feet upstream of confluence with Lecea Stream	"125	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1,370 feet upstream of confluence with Pala Lagoon		South Pacific Ocean:	"130	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,000 feet upstream of confluence with Pala Lagoon		On east end of island, at confluence with Mulivaitele Stream	"135	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 2,400 feet upstream of confluence with Pala Lagoon		On north end of island at Massacre Bay	"140	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Drainageway 2:		On southwestern end of island, at confluence with Fuafua Stream	"145	Maps are available for review at the Public Works Department, American Samoa Government, Pago Pago, American Samoa.	
At confluence with Pago Pago International Airport Lagoon		In Pago Pago Harbor, at confluence of Pago Pago Harbor and Pago Stream	"150	Send comments to The Honorable A.P. Lutali, Governor, Government of American Samoa, American Samoa 96799.	
At confluence with Drainageway 2A			"155		
Approximately 3,600 feet upstream from confluence with Drainageway 2A		CONNECTICUT	"160		
Approximately 7,790 feet upstream of confluence with Drainageway 2A		Goshen (town), Litchfield County	"165		
Approximately 200 feet east of intersection of Drainageway 2 and main north south highway, just north of Pavaiai Village		Marshepaug River:	"170		
Drainageway 2A:		At the downstream corporate limits	"175		
At confluence with Pago Pago International Airport Lagoon		At West Side Pond Dam	"180		
Approximately 600 feet upstream of Pago Pago International Airport Lagoon		West Side Pond Brook:	"185		
Approximately 3,200 feet upstream of Pago Pago International Airport Lagoon		At West Side Pond Dam	"190		
At confluence with Drainageway 2		At the downstream side of Hageman Shean Road	"195		
Gaoa Stream:		Hall Meadow Brook:	"200		
At confluence with South Pacific Ocean		Approximately 2.2 miles upstream of the Hall Meadow Brook Reservoir Dam	"205		
Approximately 800 feet upstream of confluence with South Pacific Ocean		At the upstream corporate limits	"210		
Leafu stream (Vatia):		Maps available for inspection at the Office of the Town Clerk, North Street, Goshen, Connecticut.	"215		
At confluence with Gaoa Stream	"6	Send comments to The Honorable Richard Kobylinski, First Selectman of the Town of Goshen, Litchfield County, North Street, Goshen, Connecticut 06756.	"220		
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**PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued**

Source of flooding and location	# Depth in feet above ground. Eleva- tion in feet (NGVD)
<i>Choctaw Bayou:</i> At the confluence with Logan Bayou.....	*178
At Millwood Lane.....	*234
<i>Page Bayou:</i> At the confluence with Cross Lake	*175
At Jefferson Page Road	*266
<i>Page Bayou Tributary A:</i> At the confluence with Page Bayou	*209
Approximately 1,800 feet upstream of conflu- ence	*220
<i>Buchanan Bayou:</i> At the confluence with Boggy Bayou	*159
At State Route 525	*265
<i>Buchanan Bayou Tributary A:</i> At the confluence with Buchanan Bayou	*233
At State Route 525	*249
<i>Brush Bayou:</i> At the confluence with Boggy Bayou	*159
Approximately 0.6 miles upstream of upstream corporate limits	*163
<i>Boggy Bayou:</i> At the confluence with Cypress Creek	*159
Approximately 4.5 miles upstream of Providence Road	*278
<i>Gilmer Bayou:</i> At the confluence with Boggy Bayou	*167
At Buncombe Road	*218
<i>Southwood High Lateral:</i> At the confluence with Gilmer Bayou	*182
Approximately 1.3 miles upstream of confluence	*196
<i>Industrial Park Lateral:</i> At the confluence with Gilmer Bayou	*173
Approximately 200 feet upstream of State Route 526 (Industrial Loop Expressway)	*215
<i>Lincoln Memorial Part Lateral:</i> At the confluence with Industrial Part Lateral	*184
Approximately 0.8 mile upstream of State Route 526 (Flournoy Lucas Road)	*219
<i>Boggy Bayou Tributary A:</i> At the confluence with Boggy Bayou	*198
At Bicknell Ranch Road	*271
<i>Boggy Bayou Tributary B:</i> At the confluence with Boggy Bayou	*205
Approximately 1.1 miles upstream of Buncombe Road	*283
<i>Bayou Pierre:</i> At State Route 175	*153
At Union Pacific Railroad	*162
<i>Sand Beach Bayou:</i> At confluence with Bayou Pierre	*158
Approximately 1.5 miles upstream of Industrial Loop Expressway	*164
<i>Galaxy Lateral:</i> At the downstream corporate limits	*178
Approximately 110 feet upstream of upstream corporate limits	*196
<i>Bickham Bayou:</i> Approximately 0.6 mile downstream of down- stream corporate limits	*176
At Pines Road	*213
<i>Old River:</i> At downstream corporate limits	*162
Approximately 0.7 mile upstream of East 70th Street	*167
<i>Wallace Lake:</i> Entire shoreline within community	*159
<i>Caddo Lake:</i> Entire shoreline within community	*184
<i>Cross Lake:</i> Entire Shoresline within community	*178
<i>Maps available for inspection at the Caddo Parish Courthouse, 501 Texas Street, Room 402, Shreveport, Louisiana.</i>	
Send comments to The Honorable Francis Bick- ham, Caddo Parish Administrator Caddo Parish Courthouse, 501 Texas Street, Room 401,	

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Bar Harbor (town), Hancock County
Eastern Bay: At Hudley Point.....
At Parker Point.....
Northeast Creek: At State Route 3.....
Frenchman Bay: At

**PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued**

Source of flooding and location	# Depth in feet above ground.
	*Elevation in feet (NGVD)
At Great Head	*33
<i>Otter Cove:</i>	
At Otter Creek	*12
At Otter Point	*44
<i>Newport Cove:</i>	
At Schooner Head Road extended	*12
At Thunder Hole	*44
<i>Western Bay:</i>	
At State Routes 102 and 198	*11
At Negro Point	*14
<i>Mount Desert Narrows:</i> At Israel Point	*14
Maps available for inspection at the Planning Department, 93 Cottage Street, Bar Harbor, Maine.	
Send comments to The Honorable Jill Goldthwaite, Chairman of the Bar Harbor, Town Council, Hancock County, 93 Cottage Street, Bar Harbor, Maine 04609.	
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Dexter (town), Penobscot County	
<i>East Branch Sebascoor River:</i>	
At downstream corporate limits (At Corinna Dexter Townline Road)	*283
At confluence with Wassookeag Lake	*436
<i>Lake Wassookeag:</i> Entire shoreline within community	*436
<i>Puffers Pond:</i> Entire shoreline within community	*346
Maps available for inspection at the Town Administrator's Office, Dexter, Maine.	
Send comments to The Honorable Stephen Whitesell, Manager of the Town of Dexter, Penobscot County, Town Administration Office, P.O. Box 313, Dexter, Maine 04930.	
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Leeds (town), Androscoggin County	
<i>Androscoggin River:</i>	
At downstream corporate limits	*266
At upstream corporate limits	*291
<i>Allen Stream:</i>	
At confluence with Androscoggin River	*271
At Church Hill Road	*283
<i>Dead River:</i>	
Approximately 1.4 miles downstream of State Route 106	*286
At confluence with Androscoggin River	*290
Maps available for inspection at the Town Hall, Leeds, Maine.	
Send comments to The Honorable Errol Addison, First Selectman of the Town of Leeds, Androscoggin County, P.O. Box 1750, Green, Maine 04236.	
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Mount Desert (town), Hancock County	
<i>Atlantic Ocean:</i>	
Entire Shoreline of Goose Marsh Pond	*11
Shoreline of Blue Hill Bay at Eastern Point	*15
Shoreline of Blue Hill Bay at Western Point	*19
Shoreline of Somes Sound at Bar Island	*11
Shoreline of Eastern Way at Rhodes Cliff	*36
Maps available for inspection at the Assessor's Office, Town Offices, Northeast Harbor, Maine.	
Send comments to The Honorable Durlin Lunt, Chairman of the Town of Mount Desert Board of Selectmen, Hancock County, Town Offices, Northeast Harbor, Maine 04662.	
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Tremont (town), Hancock County	
<i>Atlantic Ocean—Blue Hill Bay:</i>	
At Crockett Point Road (extended)	*11
Bar Island	*14
At Nutter Point	*15
At Lopas Point	*18
At Bass Harbor Head	*26
Maps available for inspection at the Town Office, Municipal Building, Bernard, Maine.	

**PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued**

Source of flooding and location	# Depth in feet feet above ground (NGVD)
Send Comments to The Honorable Harvey Kelly, Chairman of the Town of Tremont Board of Selectmen, Hancock County, P.O. Box 65, Ber- nard, Maine 04612.	
Trenton (town), Hancock County	
<i>Union River Bay:</i>	
At Loids Brook.....	*13
At Haynes Point.....	*17
<i>Western Bay:</i>	
At Haynes Point.....	*15
At Oak Point.....	*20
<i>Mt. Desert Narrows:</i>	
South of Thompson Island.....	*14
At Trap Rock.....	*16
<i>Jordan River:</i>	
Confluence with Fosters Brook.....	*12
Confluence with Crippons Brook.....	*13
Maps available for inspection at the Municipal Building, R.F.D. 1, Ellsworth, Maine, between 4- 6 p.m. on Monday, Wednesday, and Thursday.	
Send Comments to The Honorable James Camer- on, Chairman of the Town of Trenton Board of Selectmen, Hancock County, Municipal Building, R.F.D. 1, Ellsworth, Maine 04605.	
MISSISSIPPI	
Clay County (unincorporated areas)	
<i>Chuquatchee Creek Tributary:</i>	
About 0.42 mile downstream of State Highway 50.....	*195
About 2.0 miles upstream of U.S. Highway 45 Alternate.....	*264
<i>Town Creek:</i>	
About 1.12 miles upstream of confluence of Town Creek Tributary No. 2.....	*185
About 2,350 feet upstream of Industrial Park Access Road.....	*247
<i>Town Creek Tributary No. 1:</i>	
Just upstream of Dunlap Road.....	*225
About 0.78 mile upstream of Dunlap Road.....	*247
<i>Town Creek Tributary No. 2:</i>	
About 0.66 mile above mouth.....	*185
About 750 feet downstream of Colony Drive.....	*231
<i>Tombigbee River:</i>	
At southern county boundary.....	*176
At northern county boundary.....	*186
<i>Tibbee Creek:</i>	
At confluence with Tombigbee River.....	*176
At confluence of Catalpa Creek.....	*181
Maps available for inspection at the Chancery Clerk's Office, County Courthouse, West Point, Mississippi.	
Send comments to The Honorable J.W. Stafford, President, Board of Supervisors, Clay County, P.O. Box 525, West Point, Mississippi 39773.	
NEVADA	
Winnemucca (city), Humboldt County	
<i>Humboldt River:</i>	
At the western corporate limits.....	*4,268
At U.S. Route 95.....	*4,273
Approximately 500 feet upstream of Bridge Street.....	*4,274
Approximately 150 feet downstream of Railroad Bridge.....	*4,276
At the northern corporate limit.....	*4,279
Maps are available for inspection at the City/ County Complex, Winnemucca, Nevada 89445.	
Send comments to The Honorable Paul J. Vasco, Mayor, City of Winnemucca, City/County Com- plex, Winnemucca, Nevada 89445.	
OHIO	
Defiance County (unincorporated areas)	
<i>Maumee River:</i>	
About 3.1 miles downstream of Independence	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
About 800 feet upstream of confluence of Gordon Creek	*695
<i>Auglaize River:</i>	
About 1,400 feet downstream of confluence of Beetree Creek	*699
At the county boundary	*702
<i>Tiffin River:</i>	
About 1.3 miles downstream of County Route 1	*686
About 2,500 feet upstream of County Route 1	*691
<i>Preston Run:</i>	
About 1,050 feet downstream of Dohoney Road	*700
About 2,800 feet upstream of Euclid Road	*712
Maps are available for inspection at the County Courthouse, 500 Second Street, Defiance, Ohio.	
Send comments to The Honorable Darrell Jones, President, Board of Commissioners, Defiance County, 500 Second Street, Defiance, Ohio 43512.	
PENNSYLVANIA	
<i>Adams (township), Cambria County</i>	
<i>South Fork Little Conemaugh River:</i>	
At downstream corporate limits	*1,500
At upstream corporate limits	*1,862
<i>Sandy Run:</i>	
At confluence with South Fork Little Conemaugh River	*1,542
Approximately 1,110 feet upstream of Palestine Road	*1,634
<i>Unnamed Tributary:</i>	
At confluence with South Fork Little Conemaugh River	*1,582
Approximately 1,370 feet upstream of State Route 869 (L.R. 11010)	*1,594
<i>Otto Run:</i>	
At confluence with South Fork Little Conemaugh River	*1,640
Approximately 1,020 feet upstream of State Routes 160 and 869 (L.R. 11014 Spur E)	*1,656
<i>Little Paint Creek:</i>	
Approximately 1,000 feet downstream of Old Bedford Pike	*2,034
Approximately 2,080 feet upstream of Villa Road	*2,068
Maps are available for inspection at the Township Building, 301 Lake Street, Sidman, Pennsylvania.	
Send comments to The Honorable Charles E. Weyant, Jr., Chairman of the Township of Adams Board of Supervisors, Cambria County, P.O. Box 25, Dunlo, Pennsylvania 15930.	
<i>Beech Creek (borough), Clinton County</i>	
<i>Beech Creek:</i>	
Approximately 155 feet downstream of State Route 150	*605
Approximately 150 feet upstream of the upstream corporate limits	*609
Maps are available for inspection at the Borough Building, Beech Creek, Pennsylvania.	
Send comments to The Honorable Melvin Coakley, Mayor of the Borough of Beech Creek, Clinton County, P.O. Box 216, Beech Creek, Pennsylvania 16822.	
<i>Conemaugh (township), Cambria County</i>	
<i>Little Conemaugh River:</i>	
Approximately 1,100 feet downstream of CSX Transportation	*1,186
Approximately 2.1 miles upstream of CSX Transportation at corporate limits	*1,245
Approximately .7 mile upstream of LR 11106	*1,386
<i>Clipboard Run:</i>	
Approximately .4 mile downstream of LR 11106	*1,756
Approximately 110 feet upstream of the upstream corporate limits	*1,923
Maps available for inspection at the Township Building, 104 Janie Street, Johnstown, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Send comments to The Honorable Rudy Galayda, Jr., Chairman of the Township of Conemaugh Board of Supervisors, Cambria County, Route 2, Box 183, Johnstown, Pennsylvania 15904.	
<i>Croyle (township), Cambria County</i>	
<i>Little Conemaugh River:</i>	
Downstream corporate limits	*1,491
Approximately 200 feet upstream of the downstream corporate limits of Summerhill	*1,535
<i>South Fork Little Conemaugh River:</i>	
Downstream corporate limits	*1,500
Approximately 1,200 feet upstream of State Routes 160 and 869	*1,562
Approximately 400 feet downstream of State Route 869	*1,757
Upstream corporate limits	*1,862
<i>Laurel Run:</i>	
Confluence with South Fork Little Conemaugh River	*1,604
Approximately 570 feet upstream of State Route 160	*1,669
Maps available for inspection at the Township Building, Route 53, Croyle, Pennsylvania.	
Send comments to The Honorable Vincent Beyer, Chairman of the Township of Croyle Board of Supervisors, Cambria County, R.D. 1, Box 219, Sidman, Pennsylvania 15955.	
<i>Dale (Borough), Cambria County</i>	
<i>Solomon Run:</i>	
At downstream corporate limits	*1,205
At upstream corporate limits	*1,234
Maps available for inspection at the Borough Office Building, 810 Bedford Street, Johnstown, Pennsylvania.	
Send comments to The Honorable Cecil K. Leberknight, President of the Borough of Dale Council, Cambria County, 810 Bedford Street, Johnstown, Pennsylvania 15902.	
<i>East Huntingdon (township), Westmoreland County</i>	
<i>Jacobs Creek:</i>	
Approximately 400 feet downstream of State Route 819	*1,022
Approximately 430 feet upstream of Overholt Drive	*1,037
Maps available for inspection at the Township Building, Alverton, Pennsylvania.	
Send comments to The Honorable Joel Suter, Chairman of the Township of East Huntingdon Board of Supervisors, Westmoreland County, Box 9, Alverton, Pennsylvania 15612.	
<i>East Wheatfield (township), Indiana County</i>	
<i>Conemaugh River:</i>	
Approximately 2.0 miles downstream of Penelec Dam	*1,084
Approximately 3.5 miles upstream of State Routes 711 and 56	*1,137
Maps available for inspection at the East Wheatfield Township Building, Route 56, Armagh, Pennsylvania.	
Send comments to The Honorable James Donelson, Chairman of the Township of East Wheatfield Board of Supervisors, Indiana County, P.O. Box 76, Armagh, Pennsylvania 15920.	
<i>Fairfield (township), Crawford County</i>	
<i>French Creek:</i>	
Approximately 0.3 mile downstream of downstream corporate limits	*1,058
At upstream corporate limits	*1,067
Maps available for inspection at the Fairfield Township Building, Cochranton, Pennsylvania.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. Elevation in feet (NGVD)
Send comments to The Honorable Richard McMaster, Chairman of the Township of Fairfield Board of Supervisors, Crawford County, R.D. 3, Cochranton, Pennsylvania 16314.	
<i>Greenfield (township), Erie County</i>	
<i>West Branch French Creek:</i>	
At most downstream corporate limits	*1,317
At State Line Road	*1,384
<i>Townley Run:</i>	
At downstream corporate limits	*1,317
Approximately 125 feet upstream of State Route 430	*1,418
Maps available for inspection at the Township Building, Greenfield, Pennsylvania.	
Send comments to The Honorable Edward Chyliński, Chairman of the Township of Greenfield Board of Supervisors, Erie County, 8919 Wildman Road, North East, Pennsylvania 16428.	
<i>Hayfield (township), Crawford County</i>	
<i>French Creek:</i>	
Downstream corporate limits	*1,087
Upstream corporate limits	*1,133
Maps available for inspection at the Hayfield Township Building, Meadville, Pennsylvania.	
Send comments to The Honorable Jack Mahoney, Chairman of the Township of Hayfield Board of Supervisors, Crawford County, R.D. 8, Box 228, Meadville, Pennsylvania 16335.	
<i>King (township), Bedford County</i>	
<i>Bobs Creek:</i>	
Approximately 875 feet downstream of T-570	*1,135
Approximately 200 feet upstream of upstream corporate limits	*1,244
Maps available for inspection at the home of Goldia Imler, Box 174, R.D. 1, Osterburg, Pennsylvania.	
Send comments to The Honorable Gerald Mowry, Chairman of the Township of King Board of Supervisors, Bedford County, R.D., Osterburg, Pennsylvania 16667.	
<i>Lorain (borough), Cambria County</i>	
<i>Sams Run:</i>	
At downstream corporate limits	*1,278
Approximately 0.4 mile upstream of Highland Drive	*1,407
Maps available for inspection at the Borough Office Building, 502 Valley Street, Johnstown, Pennsylvania.	
Send comments to The Honorable Harold Berkebile, Mayor of the Borough of Lorain, Cambria County, 338 Oakland Avenue, Johnstown, Pennsylvania 15902.	
<i>Mont Alto (borough), Franklin County</i>	
<i>West Branch Antietam Creek:</i>	
Approximately 280 feet downstream of downstream corporate limits	*618
Approximately 150 feet downstream of L.R. 28069	*945
Maps available for inspection at the Mont Alto Borough Building, Main Street, Mont Alto, Pennsylvania.	
Send comments to The Honorable H. Dean Verdi, President of the Mont Alto Borough Council, Franklin County, P.O. Box 427, Mont Alto, Pennsylvania 17237.	
<i>New Bethlehem (borough), Clarion County</i>	
<i>Redbank Creek:</i>	
At downstream corporate limits	*1,063
At upstream corporate limits	*1,063
<i>Leisure Run:</i>	
At confluence with Redbank Creek	*1,067

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued		PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued		PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued	
Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
At upstream corporate limits.....	*1,080	Approximately 275 feet upstream of upstream corporate limits	*786	At upstream corporate limits.....	*1,245
Maps available for inspection at the Borough Building, New Bethlehem, Pennsylvania. Send comments to The Honorable Den E. Shaffer, President of the New Bethlehem Council, Clarion County, 210 Lafayette Street, New Bethlehem, Pennsylvania 16242.		Maps available for inspection at the Borough Building, Smithton, Pennsylvania. Send comments to The Honorable Fred Foster, President of the Borough of Smithton Council, c/o Borough Secretary, Westmoreland County, Box 537, Smithton, Pennsylvania 15479.		Matthews Run: At confluence with Brokenstraw Creek.....	*1,199
Oil Creek (township), Crawford County <i>Oil Creek:</i> Downstream corporate limits..... Approximately 1,056 feet upstream of upstream corporate limits	*1,201	South Huntingdon (township), Westmoreland County <i>Youghiogheny River:</i> At confluence of Sewickley Creek..... Approximately 1.7 miles above upstream corporate limits of Borough of Smithton.....	*769	Approximately .5 mile upstream of Highland Avenue	*1,225
Maps available for inspection at the Township Building, Titusville, Pennsylvania. Send comments to The Honorable Dillon T. Westcoat, Chairman of the Township of Oil Creek Board of Supervisors, Crawford County, Gaswell Road, R.D. 2 Titusville, Pennsylvania 16354.	*1,245	<i>Sewickley Creek:</i> At confluence with Youghiogheny River..... Approximately 950 feet upstream of upstream corporate limits	*769	Maps available for inspection at the Borough Office, Youngsville, Pennsylvania. Send comments to The Honorable Robert P. Williams, President of the Youngsville Borough Council, Warren County, 231 Second Street, Youngsville, Pennsylvania 16371.	*1,245
Philipsburg (borough), Centre County <i>Moshannon Creek:</i> Intersection of Sixth and Alder Street..... At downstream corporate limits..... Upstream corporate limits.....	*1,422 *1,425 *1,429	Maps available for inspection at the Township Building, R.D. 1, Box 133, West Newton, Pennsylvania. Send comments to The Honorable Thomas Troup, Chairman of the Township of South Huntingdon Board of Supervisors, Westmoreland County, R.D. 1, Box 133, West Newton, Pennsylvania 15089.	*790	TENNESSEE	
<i>Cold Stream:</i> Intersection of Cherry Street and 13th Street..... Upstream side of Pine Street..... Upstream corporate limits	*1,423 *1,433 *1,440	Sugar Grove (borough), Warren County <i>Stillwater Creek:</i> At downstream corporate limits	*1,383	Union County (unincorporated Areas)	
Maps available for inspection at the Borough Office Building, Philipsburg, Pennsylvania. Send comments to The Honorable Donald Enck, Manager of the Borough of Philipsburg, Centre County, 420 S. Centre Street, Philipsburg, Pennsylvania 16656.		At upstream corporate limits	*1,425	<i>Bullrun Creek:</i> Just upstream of Hansard Road..... Just downstream of Ailor Gap Road	*920 *1,015
Sligo (borough), Clarion County <i>Licking Creek:</i> Downstream corporate limits..... Upstream corporate limits	*1,083 *1,141	<i>Tributary No. 1 to Stillwater Creek:</i> At downstream corporate limits	*1,360	<i>North Fork Bullrun Creek:</i> Just upstream of Ailor Gap Road..... About 0.8 mile upstream of Johnson Road	*1,072 *1,099
<i>Little Licking Creek:</i> Confluence with Licking Creek..... Upstream corporate limits	*1,117 *1,171	<i>Tributary No. 2 to Stillwater Creek:</i> At confluence with Stillwater Creek..... At upstream corporate limits	*1,443	<i>Flat Creek:</i> About 2,350 feet downstream of Keystown Road..... About 1.3 miles upstream of Keystown Road	*1,014 *1,040
Maps available for inspection at the Borough Building, Sligo, Pennsylvania. Send comments to The Honorable James C. Barger, President of the Sligo Borough Council, Clarion County, P.O. Box 128, Sligo, Pennsylvania 16225.		<i>Tributary No. 3 to Stillwater Creek:</i> At confluence with Stillwater Creek..... At upstream corporate limits	*1,405 *1,455	Maps available for inspection at the County Executive's Office, County Courthouse, Maynardville, Tennessee. Send comments to The Honorable Gerald Simons, County Executive, Union County, County Courthouse, P.O. Box 278, Maynardville, Tennessee 37807	
Smithton (borough), Westmoreland County <i>Youghiogheny River:</i> At State Route 981	*785	Maps available for inspection at the Borough Office, Sugar Grove, Pennsylvania. Send comments to The Honorable Stuart Anderson, Mayor of the Borough of Sugar Grove, Warren County, 316 Main Street, Sugar Grove, Pennsylvania 16350.		VIRGINIA	
		<i>Youngsville (borough), Warren County</i> <i>Brokenstraw Creek:</i> Approximately .9 mile downstream of confluence with Indian Camp Run	*1,186	New Kent County (unincorporated areas)	
		At upstream corporate limits	*1,209	<i>York River & adjoining estuaries:</i> Entire shoreline within community	*8.0
		<i>Indian Camp Run:</i> At confluence with Brokenstraw Creek	*1,197	<i>Pamunkey River & adjoining estuaries:</i> Entire shoreline within community	*8.0
				<i>Chickahominy River & adjoining estuaries:</i> Shoreline from County Route 618 to confluence of Discund Creek	*8.5
				Maps available for inspection at the Assistant County Administrator's Office, New Kent Courthouse, New Kent, Virginia. Send comments to The Honorable H. Garrett Hart, County Administrator, New Kent County, P.O. Box 50, New Kent, Virginia 23124.	
				The proposed modified base (100-year) flood elevations for selected locations are:	

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
Connecticut.....	Middletown, City Middlesex County.	Coginchaug River.....	Approximately 550 feet upstream of State Route 66. Approximately 730 feet upstream of State Route 157.	*24	*25
		Sumner Brook	At confluence with Connecticut River..... Approximately 840 feet upstream of Dam of Millbrook Road..	*72	*71
		Longhill Brook	At confluence with Sumner Brook..... Approximately 350 feet upstream of Wesleyan Road..	None	*23
		Roundhill Brook	At confluence with Longhill Brook.....	None	*181
				None	*189
				None	*189

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			At confluences of West Roundhill Brook and East Roundhill Brook.	None.	*124
			At confluence with Roundhill Brook.....	None	*124
			Approximately 880 feet upstream of Dam at exit of pond.	None	*245
			At confluence with Roundhill Brook.....	None	*124
			Approximately 540 feet upstream of Kelsey Street.	None	*198
			At confluence with Swamp Brook.....	None	*23
			Approximately 560 feet upstream of Dam at Unnamed Pond.	None	*64
			Just upstream of Tiger Lane (formerly Drive to School)..	*25	*24
			Approximately 1,370 feet upstream of Congdon Street.	None	*48
			At confluence with Mattabassett River.....	None	*24
			At confluences of West Miner Brook and East Miner Brook.	None	*182
			At confluence with Miner Brook.....	None	*182
			Approximately 170 feet upstream of Flynn Street.	None	*206
			At confluence with Miner Brook.....	None	*182
			Approximately 1,335 feet upstream of Miner Road.	None	*203
			At confluence with Mattabassett River.....	None	*25
			Approximately 320 feet upstream of Bell Street.	None	139

Maps available for inspection at the City Hall, Planning and Zoning Office, Middletown, Connecticut.

Send comments to The Honorable Sebastian Garafalo, Mayor of the City of Middletown, Middlesex County, City Hall, P.O. Box 1300, Middletown, Connecticut 06457.

Idaho	Lemhi county, unincorporated areas.	Salmon River..... Lemhi River..... Hayden Creek	Approximately 500 feet upstream of confluence with North Fork Salmon River. Approximately 1,150 feet upstream of confluence with Fourth of July Creek. Approximately 1,400 feet upstream of confluence with Tower Creek. Approximately 300 feet upstream of confluence with Wallace Creek. Approximately 7,500 feet downstream of crossing of Interstate Highway 93. Approximately 2,900 feet downstream of confluence with Kitley Creek. Just downstream of crossing of State Highway 28. Approximately 200 feet downstream of crossing of Barracks Lane. Approximately 200 feet upstream of confluence with Wimpey Creek. Approximately 3,500 feet upstream of crossing of State Highway 28. At confluence with Lemhi River..... At crossing of unnamed road bridge	None	*3,617 *3,685 *3,764 *3,820 *3,846 *3,988 *4,180 *4,240 *4,364 *4,400 *5,141 *5,158 *5,350 *5,370 *5,408
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Maps are available for review at the Lemhi County Courthouse, 206 Courthouse Drive, Salmon, Idaho. Send comments to The Honorable Quinton Snook, Chairman, Lemhi County Board of Supervisors, County Courthouse, 206 Courthouse Drive, Salmon, Idaho 83467.

Iowa	City of Plainfield, Bremer County.	Cedar River..... Just upstream of State Highway 188.....	About 2,000 feet downstream of Highway 188.... Just upstream of State Highway 188.....	None	*933 *934
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Maps available for inspection at the City Hall, 711 Main Street, Plainfield, Iowa. Send comments to The Honorable Emmet Kiehn, Mayor, City of Plainfield, City Hall, 711 Main Street, Plainfield, Iowa 50666.

Iowa	City of Waverly, Bremer County.	Dry Run Creek	At mouth. Just downstream of 12th Street Northwest..... At mouth. About 1,800 feet downstream of State Highway 3..... About 2.2 miles downstream of 3rd Street Southeast..... Just downstream of Bremer Ave Dam	*911 *920 *910 *910 *905 *911	*909 *920 *908 *903 *910 *910
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PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground * Elevation in feet (NGVD)	
				Existing	Modified
			Just upstream of Bremer Ave Dam	*915	*915
			About 1.6 miles upstream of Horton Road.....	*920	*919
Maps available for inspection at the City Hall, 110 First Avenue, SW, Waverly, Iowa. Send comments to The Honorable Evelyn Rathe, Mayor, City of Waverly, City Hall, 110 First Avenue, SW, Iowa 50677.					
Massachusetts.....	West Boylston, town, Worcester County.	Waushacum Brook	Approximately 150 feet upstream of confluence with Wachusett Reservoir.	None	*393
		Tributary to Waushacum Brook.	Approximately 100 feet upstream of upstream corporate limits.	None	*431
			At confluence with Waushacum Brook.....	None	*426
			Approximatley .4 mile upstream of Sterling Street.	None	*455
Maps available for inspection at the Town Office, 120 Prescott Street, West Boylston, Massachusetts. Send comments to The Honorable Charles Hudson, Administrative Assistant for the Town of West Boylston, Worcester County, Town Office, 120 Prescott Street, West Boylston, Massachusetts 01583.					
Mississippi.....	City of West Point, Clay County.	Town Creek	About 1800 feet upstream of Illinois Central Railroad.	*229	229
			About 1.18 miles upstream of Illinois Central Railroad.	None	*246
		Town Creek Tributary No. 1	Just downstream of Dunlap Road.....	*229	*229
			About 800 feet upstream of Dunlap Road.....	None	*232
Maps available for inspection at the City Hall, West Point, Mississippi. Send comments to The Honorable Kenneth D. Dill, Mayor, City of West Point, P.O. Box 1117, West Point, Mississippi 39773.					
New York.....	Poughkeepsie, town, Dutchess County.	Casper Kill Creek.....	Downstream side of State Route 55	*154	*153
		Fall Kill Creek.....	Approximately 0.5 mile upstream of Friendly Lane/Burnett Boulevard.	None	*157
			Approximately 800 feet upstream of Howard Street.	None	*182
		Branch 4 Wappinger Creek	Approximately 1,100 feet upstream of Smith Street.	*184	*183
			Confluence with Wappinger Creek.....	None	*123
			Approximately 2,000 feet upstream of Pleasant Place.	None	*159
Maps available for inspection at the Office of the Town Clerk, Town Hall, Dutchess Turnpike, Poughkeepsie, New York. Send comments to The Honorable Anna Buchholz, Supervisor of the Town of Poughkeepsie, Dutchess County, Town Hall, P.O. Box 3208, Dutchess Turnpike Poughkeepsie, New York 12603.					
Pennsylvania.....	Black, township, Somerset County.	Casselman River.....	Approximately 1,880 feet downstream of L.R. 55029 (Bridge Street).	None	*1,802
		Coxes Creek.....	Approximately 875 feet upstream of the confluence of Coxes Creek.	None	*1,813
			At downstream corporate limits.....	None	*1,811
			Approximately 175 feet upstream of L.R. 55038 (Day Street).	None	*1,816
Maps available for inspection at the Township Building, R.D. 1, Rockwood, Pennsylvania. Send comments to The Honorable Earl Albright, Chairman of the Township of Black Board of Supervisors, Somerset County, R.D., Garrett, Pennsylvania 15542.					
Texas.....	Del Rio, city, Val Verde County.	San Felipe Creek	Approximately 1,500 feet downstream of confluence with San Felipe Creek Tributary.	None	*972
			Approximately 240 feet upstream of upstream corporate limits.	None	*997
		San Felipe Creek tributary.....	Approximately 820 feet upstream of confluence with San Felipe Creek.	None	*980
			Approximately 350 feet upstream of upstream corporate limits.	None	*996
Maps available for inspection at the City Hall, 109 West Broadway Street, Del Rio, Texas 78840. Send comments to The Honorable Alfredo Gutierrez, Jr., M.D., Mayor of the City of Del Rio, Val Verde County, 109 West Broadway Street, Del Rio, Texas 78840.					
Virginia.....	Fairfax County, unincorporated areas.	Potomac River.....	At downstream county boundary.....	None	*8
			At upstream county boundary.....	None	*10
Maps available for inspection at the Department of Public Works, Utilities Planning and Design Division, Storm Drainage Branch, 3930 Pender Drive, Fairfax, Virginia. Send comments to The Honorable J. Hamilton Lambert, Fairfax County Executive, 4100 Chain Bridge Road, Fairfax, Virginia 22030.					

Issued: November 8, 1989.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

[FR Doc. 89-27205 Filed 11-17-89; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 206

RIN 3067-AB45

Disaster Assistance; Extension of Comment Period

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice amends the request for comments on the proposed rule for Hazard Mitigation Planning, subpart M of 44 CFR part 206, published at 54 FR 37953, September 14, 1989. The deadline for receipt of comments has been extended from November 13, 1989 to December 13, 1989.

DATE: Comment period extended to December 13, 1989.

FOR FURTHER INFORMATION CONTACT:

Patricia Stahlschmidt, Disaster Assistance Programs, Federal Emergency Management Agency, Washington DC 20472 (202) 646-3681.

SUPPLEMENTARY INFORMATION: Notice is hereby given that comments on the proposed rule for Hazard Mitigation Planning, subpart M of 44 CFR part 206 will be accepted until December 13, 1989. The deadline for receipt of comments has been extended due to the number and extent of disasters declared during the comment period.

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 89-27203 Filed 11-17-89; 8:45 am]

BILLING CODE 6718-02-M

Commission's tariff and service contract rules to define the term "shipper" and to address the availability of mixed commodity rates. Comments on the Notice of Proposed Rulemaking are now due on November 20, 1989. The Asia North America Rate Agreement ("ANERA") has requested that the time for filing comments be extended for two weeks. ANERA claims the additional time is necessary for the ANERA members to fully discuss and reach consensus on the various aspects of the proposed rule. This notice extends the time for filing comments to the Notice of Proposed Rulemaking to December 4, 1989.

DATE: Comments due December 4, 1989.

ADDRESS: Comments (Original and fifteen (15) copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT:

Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573-0001.

By the Commission.

Joseph C. Polking,
Secretary.

[FR Doc. 89-27113 Filed 11-17-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580 and 581

[Docket No. 89-20]

Definition of Shipper and Availability of Mixed Commodity Rates; Extension of Comment Period

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The proposed rule in this proceeding, published October 4, 1989 (54 FR 40891), would amend the

Notices

Federal Register

Vol. 54, No. 222

Monday, November 20, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Teton Village Land Exchange, Bridger-Teton National Forest, Teton County, WY; Amendment to Notice of Intent

AGENCY: Forest Service, USDA.

ACTION: Amendment to Original Notice of Intent to prepare Environmental Impact Statement dated August 1, 1989.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement on a proposal to exchange National Forest land on the Jackson Ranger District for private land. The federal tract is located in Teton County, Wyoming described as: T42N, R117W, Sixth Principal Meridian, Section 24, Lot 1 (40.42 acres) Lot 2 (40.31 acres), and part of the E1/2E1/2W1/2NE1/4 (about 10 acres). All or a part of the above described land may be included in the proposed exchange. The offered non-Federal tracts are located in Teton County, Wyoming described as: H.E.S. No. 207 in T44N, R113W, Section 9 and 16 containing 159.67 acres and a conditional scenic easement on T42N, R116W, Section 19 N1/2NW1/4NW1/4, NE1/4 NW1/4 and that portion of the N1/2NE1/4 northwest of centerline State Highway 390 containing approximately 84 acres adjacent to Teton National Park.

DATE: Comments concerning the scope of the analysis should be received in writing by December 9, 1989.

ADDRESSES: Send written comments to District Ranger, Bridger-Teton National Forest, P.O. Box 1689, Jackson, WY 83001.

FOR FURTHER INFORMATION CONTACT: Kris England, Realty Specialist, 307-733-4755.

SUPPLEMENTARY INFORMATION: The proposal is described as whether or not to exchange the federal 80.73 acres

which is located at the base of the Jackson Hole Ski Area at Teton Village, Wyoming for the 159.67 acre non-federal tract, known as the Diamond L Ranch, and a conditional scenic easement on approximately 84 acres adjacent to Grand Teton National Park. The federal lands to be exchanged are encumbered with Special Use Permits authorizing occupancy for various purposes associated with the operation of the Jackson Hole Ski Corporation. These include a maintenance shed, gun ammo and explosives buildings, and corrals. Other uses on the tract are an electrical sub-station, snow ranger house, powerline, and cemetery. Two permits to the Ski Corp. dated 11/02/83 are 30-year permits. The exchange partner must recognize the continuance of the Special Use Permits or provide evidence that the permittee has agreed to relinquish the Special Use Permits.

The exchange partner was selected from 7 proposals which were submitted in exchange for the federal land.

Preliminary issues which have been expressed include:

1. Potential development that might occur on the federal tract.
2. Possible visual and other impacts from development of the federal tract.
3. Obligations to special use permittees.
4. Possible exchange of only part of the federal land; or exchange the federal land with deed restrictions; or scenic easements to mitigate potential impacts on visual quality due to development on the federal tract.

5. Avoid dividing existing land uses on the Federal tract by arbitrarily drawing the west boundary at the 80 acre subdivision of the section.

Alternatives for the Environmental Impact Statement have been formulated using the issues which surfaced during the previous scoping effort.

1. No action. Do not complete the land exchange.
2. Complete the land exchange with no restrictions on the federal tract. Teton County zoning requirements would be relied upon to mitigate the development and visual concerns.
3. Complete the land exchange using mitigation measures to alleviate potential development and visual concerns which have been expressed by the public. These mitigation measures could involve scenic easements given to

a qualified public agency or non-profit conservation organization, deed restrictions, or reduction of acres. To equalize values reduced by mitigation measures additional federal land (10+ acres) would be added to the west side of the federal tract.

The analysis is expected to take about 6 months. The draft environmental impact statement should be available for public review by May 1, 1990. The final environmental impact statement is scheduled to be completed by August 1, 1990. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the *Federal Register*. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: November 8, 1989.

Brian E. Stout,

Forest Supervisor, Bridger-Teton National Forest.

[FR Doc. 89-27190 Filed 11-17-89; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE**Foreign-Trade Zones Board**

[Docket 26-89]

**Proposed Foreign-Trade Zone;
Evansville, Indiana, Port of Entry;
Application and Public Hearing**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indiana Port Commission, requesting authority to establish a general-purpose foreign-trade zone at sites in Mount Vernon and Evansville, Indiana, adjacent to the Evansville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 8, 1989. The applicant is authorized to make this proposal under Indiana Code, section 8-10-3-2.

The proposed foreign-trade zone calls for two sites. Site 1 (40 acres) is within the Southwind Maritime Centre (an Ohio River inland port facility owned and operated by the applicant), Mount Vernon, Indiana, about 15 miles west of the City of Evansville. Site 2 is the Central Warehouse facility (30,000 sq. ft.) located at 301 East Indiana Street in Evansville, Indiana.

The application contains evidence of the need for zone services in the Evansville area. Several firms have indicated an interest in using zones procedures for storage, testing, inspection and repackaging activity, involving products such as paper and food items. Specific manufacturing approvals are not being sought at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel David E. Peixotto, District Engineer, U.S. Engineer District Louisville, P.O. Box 59, Louisville, Kentucky 40201.

As part of its investigation, the examiners committee will hold a public hearing on December 12, 1989, beginning at 9:00 a.m., in Room 301, City Council Chambers, City/Council Building, 7th and Main Streets, Evansville, Indiana.

Interested parties are invited to present their views at the hearing.

Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by December 5, 1989. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through January 12, 1990.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, New Federal Building, 101 North West Seventh, Rm. 238, Evansville, Indiana 47708

Office of the Executive Secretary,
Foreign-Trade Zones Board, U.S.
Department of Commerce, 14th and
Pennsylvania Avenue, NW., Room
2835, Washington, DC 20230.

Dated: November 13, 1989.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89-27182 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 451]**Resolution and Order Approving the Application of the City of Mobile, AL, for a Special-Purpose Subzone at the Degussa Plant in Mobile County, AL—Proceedings of the Foreign-Trade Zones Board, Washington, DC****Resolution and Order**

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Mobile, Alabama, grantee of Foreign-Trade Zones 82, filed with the Foreign-Trade Zones Board (the Board) on November 23, 1987, requesting special-purpose subzone status for the methionine manufacturing facility of Degussa Corporation in Mobile County, Alabama, adjacent to the Mobile Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority

To Establish a Foreign-Trade Subzone at the Degussa Plant in Mobile County, Alabama Adjacent to the Mobile Customs Port of Entry

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the City of Mobile, Alabama, grantee of Foreign-Trade Zone 82, has made application (filed November 23, 1987, FTZ Docket 39-87, 52 FR 46110), in due and proper form to the Board for authority to establish a special-purpose subzone at the methionine manufacturing facility of Degussa Corporation in Mobile County, Alabama, adjacent to the Mobile Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed November 23, 1987, the Board hereby authorizes the establishment of a subzone at the Degussa plant in Mobile County, Alabama, designated on the records of the Board as Foreign-Trade Subzone No. 82B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and regulations issued thereunder, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 9th day of November, 1989, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89-27187 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 449]

Resolution and Order Approving the Application of the Greater Dayton Foreign-Trade Zone, Inc., for Special-Purpose Subzones at General Motors Plants in Dayton and Kettering, OH; Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Dayton Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 100, filed with the Foreign-Trade Zones Board (the Board) on June 28, 1988, requesting special-purpose subzone status at the industrial motors and automotive components plants of the Delco Products Division of General

Motors Corporation, located in Dayton and Kettering, Ohio, adjacent to the Dayton Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest provided that privileged foreign status is elected on any foreign merchandise subject to antidumping and countervailing duty orders upon their admission to the plants, approves the application, subject to the foregoing condition.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority

To Establish Foreign-Trade Subzones at the General Motors Plants in Dayton and Kettering, Ohio

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Dayton Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 100, has made application (filed June 28, 1988, FTZ Docket 24-88, 53 FR 25647) in due and proper form to the Board for authority to establish special-purpose subzones at plants of General Motors Corporation (Delco Products Division) located in Dayton and Kettering, Ohio, adjacent to the Dayton Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if approval were given

subject to the restriction in the resolution accompanying this action:

Now, Therefore, in accordance with the application filed June 28, 1988, the Board hereby authorizes the establishment of a subzone at the General Motors plants in Dayton and Kettering, Ohio, designated on the records of the Board as Foreign-Trade Subzone Nos. 100A and 100B at the locations mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and regulations issued thereunder, to the restriction in the resolution accompanying this action, and also to the following express conditions and limitations:

Activation of the subzones shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzones in the performance of their official duties.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzones, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 9th day of November 1989, pursuant to Order of the Board.

Foreign-Trade Zones Board

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89-27188 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DC-M

International Trade Administration**Initiation of Antidumping and Countervailing Duty Administrative Reviews**

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT:

Holly Kuga or Richard W. Moreland, Office of Countervailing Compliance or Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2786/2104.

SUPPLEMENTARY INFORMATION:**Background**

The Department of Commerce ("the Department") has received timely requests, in accordance with §§ 353.22(a)(1), (a)(2), (a)(3), and 355.22(a)(1) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders and findings.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than October 31, 1990.

	Periods to be reviewed
NTN Koyo Seiko Nippon Seiko Nachi Fujikoshi	
PRC: Shop Towels of Cotton A-570-003.....	10-1-88— 9-30-89
Chinatex, CNART CNART/Cuisinere CNART/Fabric Enterprise China Nat'l Native Produce Import & Export Chinatex/Transatlantic China Resources Countervailing Duty Proceedings	
Brazil: Certain Agricultural Tillage Tools C-351-406.....	1-1-88— 12-31-88
India: Certain Iron-Metal Castings C-533-063.....	1-1-88— 12-31-88

Interested parties must submit applications for administrative protective orders in accordance with §§ 353.34(b) or 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and §§ 353.22(a) and 355.22(c) of the Commerce Department's antidumping and countervailing duty regulations published in the *Federal Register* on March 28, 1989 (54 FR 12742) and December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 353.22(c) and 19 CFR 355.22(c)).

Dated: November 9, 1989.

Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.

[FR Doc. 89-27184 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DS-N

[A-122-808, C-122-809]

Alignment of Final Countervailing Duty and Antidumping Duty Determinations and Postponement of Countervailing Duty Public Hearing; Limousines From Canada

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of the petitioner in these investigations, we are extending the due date for the final determination in the countervailing duty investigation to correspond to the date of the final determination in the antidumping duty investigation of the same product, pursuant to section 705(a)(1) of the Tariff Act of 1930, as

amended (the Act) [19 U.S.C. 1671d(a)(1)].

Based upon this request, we are postponing our final determination as to whether producers or exporters of limousines in Canada have received subsidies within the meaning of the countervailing duty law, until not later than March 19, 1990. We are also postponing our public hearing in the countervailing duty investigation until March 1, 1990.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Carole Showers at (202) 377-2815 or 377-3217, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On October 25, 1989, we published a preliminary negative countervailing duty determination pertaining to limousines from Canada (54 FR 43,444, October 25, 1989). The notice stated that, if the investigation proceeded normally, we would make our final countervailing duty determination by January 2, 1990.

On September 18, 1989, in accordance with section 705(a)(1) of the Act, we received a request from petitioner to extend the due date for the final countervailing duty determination to correspond to the date of the final antidumping duty determination of the same product. Accordingly, we are granting an extension of the final determination in this investigation from January 2, 1990, to not later than March 19, 1990.

Public Comment

In accordance with § 355.38 of our countervailing duty regulations published in the *Federal Register* on December 27, 1988 (53 FR 52306, to be codified at 19 CFR 355.38), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on the preliminary determination at 10:00 a.m. on March 1, 1990, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Ten copies of the business proprietary version and five copies of the public version of case briefs must be submitted to the Assistant Secretary by February 22, 1990, for the hearing in the countervailing duty investigation. Ten copies of the business proprietary version and five copies of the public version of rebuttal briefs must be submitted to the Assistant Secretary by

	Periods to be reviewed
Antidumping Duty Proceedings and Firms	
Italy: Pressure Sensitive Plastic Tape A-475-059.....	10-1-88— 9-30-89
Boston Manuli NAR	
Japan: Tapered Roller Bearings, Over 4 Inches A-588-604	10-1-88— 9-30-89

February 27, 1990, for the hearing in the countervailing duty investigation.

An interested party may make an affirmative presentation at the public hearing only on arguments included in that party's case brief, and may make a rebuttal presentation only on arguments included in that party's rebuttal brief. Written arguments should be submitted in the countervailing duty investigation in accordance with § 355.38 of the Commerce Department's regulations, and will be considered only if received within the time limits specified in this notice.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 705(d) of the Act. This notice is published pursuant to section 705(d) of the Act.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-27183 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-405]

Cellular Mobile Telephones and Subassemblies From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 27, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on cellular mobile telephones and subassemblies from Japan. The review covers four manufacturers and/or exporters of this merchandise and the period June 11, 1985 through November 30, 1986.

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of the comments received and the correction of certain clerical errors, we have changed the final results from those presented in our preliminary results of review for three of the four manufacturers.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC, 20230; telephone (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On May 27, 1988, the Department of Commerce ("the Department") published in the *Federal Register* (53 FR 19318) the preliminary results of its administrative review of the antidumping duty order on cellular mobile telephones and subassemblies from Japan (50 FR 51724, December 19, 1985). We have now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS number(s).

Imports covered by this review are cellular mobile telephones ("CMTs"), CMT transceivers, CMT control units, and certain subassemblies thereof, which meet the tests set forth below. CMTs are radio-telephone equipment designed to operate in a cellular radio-telephone system, *i.e.*, a system that permits mobile telephones to communicate with traditional land-line telephones via a base station, and that permits multiple simultaneous use of particular radio frequencies through the division of the system into independent cells, each of which has its own transceiving base station. Each CMT generally consists of (1) a transceiver, *i.e.*, a box of electronic subassemblies which receives and transmits calls; and (2) a control unit, *i.e.*, a handset and cradle resembling a modern telephone, which permits a motor-vehicle driver or passenger to dial, speak, and hear a call. They are designed to use motor vehicle power sources. Cellular transportable telephones, which are designed to use either motor vehicle power sources or, alternatively, portable power sources, are included in this antidumping duty order.

Subassemblies are any completed or partially completed circuit modules, the value of which is equal to or greater than five dollars, and which are dedicated exclusively for use in CMT transceivers or control units. The term "dedicated exclusively for use" only encompasses those subassemblies that are specifically designed for use in

CMTs, and could not be used, absent alteration, in a non-CMT device. The Department selected the five dollar value for defining the scope since this is a value that it has determined is equivalent to a "major" subassembly. The Department feels that a dollar cutoff point is a more workable standard than a subjective determination such as whether a circuit module is "substantially complete." Examples of subassemblies which may fall within this definition are circuit modules containing any of the following circuitry or combinations thereof: audio processing, signal processing (logic), RF, IF, synthesizer, duplexer, power supply, power amplification, transmitter and exciter. The presumption is that CMT subassemblies are covered by the order unless an importer can prove otherwise. An importer will have to file a declaration with the Customs Service to the effect that a particular CMT subassembly is not dedicated exclusively for use in CMTs or that the dollar value is less than five dollars, if he wishes it to be excluded from the order.

The following merchandise has been excluded from this order: pocket-size self-contained portable cellular telephones, cellular base stations or base station apparatus, cellular switches, and mobile telephones designed for operation on other, non-cellular, mobile telephone systems.

Cellular mobile telephones and subassemblies were classified under Tariff Schedules of the United States Annotated item numbers 685.28 and 685.33; they are currently classified under HTS item numbers 8525.20.60, 8525.10.80, 8527.90.80, 8529.10.60, and 8529.90.50, 8542.20.00, and 8542.80.00. The HTS numbers are provided for convenience and customs purposes. The written product description remains dispositive.

The review covers four manufacturers and/or exporters of Japanese CMTs and subassemblies and the period June 11, 1985 through November 30, 1986.

Fujitsu Limited ("Fujitsu") failed to respond to the Department's antidumping questionnaire. The Department consequently used the best information available for assessment and antidumping duties cash deposit purposes. The best information available was the highest rate from the fair value investigation, or 106.60 percent.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely

comments from the petitioner, Motorola, and two respondents, Mitsubishi Electric Corporation and Japan Radio Company.

Analysis of Mitsubishi Electric Company's ("MELCO") Comments

Comment 1: MELCO argues that the Department should use constructed value ("CV") as the basis of comparison with the U.S. price of imported subassemblies because the imported subassemblies are not "such or similar" to the home market transceiver sold during the period of review. MELCO bases this argument on the large difference in merchandise adjustments necessary for the comparison. In addition, MELCO argues that the imported subassemblies do not meet the Department's own criteria established in the original investigation for determining similarity between the home market transceiver and the complete CMTs sold in the United States.

Department's Position: The Department established in the investigation of sales at less than fair value ("LTFV") (50 FR 45457, October 31, 1985) that the transceivers sold by MELCO in the home market were "such or similar," within the meaning of section 771(16)(C) of the Tariff Act, to the CMTs it sold in the United States. The Department has, likewise, concluded that the home market transceiver is "such or similar" to the CMT kit imported into the U.S., since the kit is the equivalent of an unassembled CMT.

MELCO's "imported subassemblies" are, in fact, complete or substantially complete kits of cellular mobile telephones, or unassembled cellular mobile telephones. MELCO itself describes these kits as "semi-knockdown kits" consisting of subassemblies and parts for CMTs, from which complete CMTs are produced in the United States (MELCO's questionnaire response dated 4/21/87, p. 30). In some cases, one subassembly may not be included in the kits; in the remaining cases, all necessary subassemblies are included. In arguing that the transceiver sold in the home market during the period of review is not similar to merchandise sold in the United States, MELCO relies on comparisons with discrete subassemblies within the imported kit rather than on comparisons with the kit as a whole, on which the Department has properly relied.

In this regard, we find the Customs doctrine of entireties, while not controlling on the Department, to be a useful analogy. That concept treats as

an entirely separate items which are imported together and are intended to be used as a unit, or joined by assembly, with the result being that the individual identities of the separate items are subordinated to the identity of the resulting combined entity. The nature, intended use, and description of the "kits" being imported by MELCO point to their treatment as an entirety under this analysis and we believe that such a result is appropriate here. See, e.g., *Daisy-Heddon v. U.S.*, C.A.D. 1228 (1979); *Miniature Fashions v. U.S.*, 54 C.C.P.A. 11 (1966); *Donalds LTD. v. U.S.*, 32 Cust. Ct. 310 (1954).

Comment 2: MELCO argues that the profit calculated for CV should be that for the same "general class or kind" of merchandise. MELCO provided profit data on a divisional basis, the wider universe of data required by the statute for the same general class or kind of merchandise.

Department's Position: The statute requires the Department to include in constructed value an "amount for general expenses and profit equal to that usually reflected in sales of the merchandise of the same general class or kind as the merchandise under consideration" * * * [section 773(e)(1)(B) of the Tariff Act]. The Department may, however, use a profit and selling, general, and administrative expense ("SG&A") figure for a specific product when such data are more accurate or otherwise more appropriate. In these final results of review, we have used MELCO's divisional SG&A and profit data because this was the level at which consistent information was available. Therefore, this method is more appropriate than that used in the preliminary results of review.

In the preliminary results of review, the Department calculated a product-specific profit by totaling the cost of materials and fabrication of the home market transceiver with divisional general expenses, and comparing that figure to homemarket transceiver selling prices. However, because we are unable to determine precisely the transceiver-specific share of divisional general expenses, and because MELCO reported general expenses and profit consistently (*i.e.*, both based on the division's experience) and in the most precise manner allowed by its accounting records, the Department has revised its CV calculation in the final results of this review to use the divisional general expense experience and profit information provided by MELCO. Since MELCO's actual profit, however, was below the statutory minimum of eight percent of the sum of the cost of materials, fabrication and general

expenses, the statutory minimum of eight percent for profit was used.

Comment 3: MELCO argues that some of the items it imported do not meet the definition of subassemblies covered by the scope of the order and, therefore, it would be unlawful for the Department to assess antidumping duties against these items, as the Department indicated would be done in the preliminary results.

Department's Position: The items referred to by MELCO as subassemblies not covered by the scope of the antidumping duty order are imported as part of a CMT kit; all items contained in the kit are properly within the scope of the antidumping order and subject to antidumping duties if sold at less than fair value. We have treated the kits imported by MELCO in their entirety just as we have treated the kits sold by Japan Radio Company. The contents of a kit are considered as a whole, the whole being the functional equivalent of an unassembled CMT subject to the antidumping duty order. (See also response to MELCO's Comment 1.)

Comment 4: If constructed value is not used as the basis of comparison with the U.S. price of imported subassemblies, MELCO contends that a proportion of profit must be subtracted on the home market side to prevent the creation of artificial dumping margins. MELCO believes that such an adjustment is necessary to offset the distortive effect of the large difference in merchandise adjustment resulting from the higher cost of producing the home market transceiver. In addition, since the Department deducted from the selling price of the CMT produced from the imported kit a portion of profit attributable to value added in the U.S., it should perform a corresponding adjustment for profit on the home market side.

Department's Position: Because the difference in merchandise adjustment was not of sufficient magnitude to eliminate use of the domestic transceiver as a basis of comparison, the Department has no reason to adjust further for profit as proposed by MELCO.

The Department's allocation of profit or loss for the U.S. exporter's sales price ("ESP") sales does not mandate any similar deduction from home market price. The adjustment to the U.S. price in the case of ESP sales of goods which have been further manufactured serves only to allow a more accurate calculation of the U.S. price for the kit as imported, prior to any value being added in the U.S. It deducts profit allocable to the value added in the U.S., but does not

deduct profit from the U.S. price before that value is added. Thus, the Department's comparison of U.S. and home market prices is in accordance with the statute (section 772 of the Tariff Act), § 353.41(e)(3) of the Department's regulations, published at 54 FR 12742 (March 28, 1989), and the Department's own consistent administrative practice (see, e.g., *Final Determination of Sales at LTFV; Color Picture Tubes from Japan*, 52 FR 44171, 44173 (November 18, 1987)). We therefore determine that this method is reasonable and accurate without further adjustments.

Comment 5: MELCO claims that the Department should use an average difference-in-merchandise adjustment for price-to-price comparisons, on the basis that it would more accurately reflect the actual pricing policies of businesses. MELCO argues that job order to job order matching can result in adjustments that are not reflective of MELCO's "average" pricing decisions, which are set to recover costs over time, not to recover costs for a particular job order.

Department's Position: In our final results, as in our preliminary results of administrative review, difference in merchandise adjustments were based on the difference between the cost for the job order in which particular kits or complete CMTs were manufactured and the cost of the home market transceiver manufactured closest in time. The Department relied on this information since it provides the most accurate measure of respective cost differences between the merchandise being compared. Since difference in merchandise adjustments made on a job order basis constitute a reasonably accurate comparison insofar as costs in both markets at similar production stages should be similarly affected. Any cost reduction trends over time would apply to both home market and export models, as the evidence in MELCO's case demonstrates.

Comment 6: MELCO comments that the Department should average foreign market value over a period of six months or more, rather than using monthly weighted averages, because the former method more closely matches the way in which MELCO and other companies set prices, and would thereby avoid the artificial creation or elimination of dumping margins solely due to temporary price or cost fluctuations in the home market.

Department's Position: In accordance with section 773(a)(1), the Department seeks to compare U.S. price and foreign market value at times which are as contemporaneous as possible. The Department therefore uses home market

sales closest in time to U.S. sales for comparison whenever possible. Where there are no home market sales in the same month as the U.S. sale, we use home market sales made up to 90 days prior and 60 days after the U.S. sale. This practice is further designed to utilize home market sales taking place before the U.S. sale prior to utilizing those that take place after. This prevents, as much as possible, the seller being unable to know what foreign market value will be at the time he sets his U.S. price. We followed this practice with respect to MELCO and found contemporaneous sales. The Department therefore expects MELCO to set its U.S. price given this knowledge regarding foreign market value. Moreover, if MELCO chooses to set an average price, it can do so in both markets.

Comment 7: MELCO argues that the Department should not have applied the ESP cap in the analysis of this administrative review since it is an "unneeded relic" that improperly distorts the margin calculation by limiting the indirect selling expenses to be deducted in the home market.

Department's Position: The ESP cap limits the amount of the home market (or third country) indirect selling expenses deducted in the calculation of foreign market value to the amount of indirect selling expenses incurred on sales in the United States. The use of the ESP cap is provided for by § 353.56(b)(2) of the Department's regulations and was previously provided for by § 353.15(c). The use of the cap is a well-established administrative practice of the Department (see, e.g., *Study of Antidumping Adjustments Methodology*, (November 1985)) and has been upheld by the courts as appropriate (see e.g., *Smith-Corona Group v. United States*, 713 F.2d 1568 (CAFC 1983); *Zenith Radio Corp. v. United States*, 783 F.2d 184 (CAFC 1986)). Although not relevant to our decision in this regard, for the majority of MELCO's sales during this review, indirect selling expenses incurred in the sale of the U.S. merchandise were not exceeded in the home market and therefore, for these sales, the ESP cap was not applied.

Comment 8: Given the rapid decline in the value of the dollar during the period of review and the long lag time between production and sale to unrelated parties, MELCO argues that the Department should apply an exchange rate other than the sale-date exchange rate applied by Commerce in this case. MELCO advocates the use of the exchange rate in effect 90 days before the date of sale for converting FMV to dollars and cites the *Melamine* case in support of its position. The use of the previous

quarter's exchange rate is reasonable in this case since the period of review has been marked by a drastic and unpredictable decline in the value of the dollar.

Department's Position: The Department has applied the exchange rate certified by the Federal Reserve Board in all calculations in these final results of review. The Federal Reserve certifies the quarterly exchange rate except in instances where the daily rate varies by at least five percent from the quarterly rate, in which case the daily rate constitutes the rate certified by the Federal Reserve Board. These rates were applied in accordance with the Tariff Act, as codified at 31 U.S.C. section 5151, and with § 353.60 of the Department's regulations.

The Department's regulations provide for the application of exchange rates other than the quarterly or actual daily rates only when certain special circumstances, such as volatile, or sustained, exchange rate changes, occur during the period of a fair value investigation. However, no such provision applies in section 751 administrative reviews.

Comment 9: MELCO requests the Department to instruct U.S. Customs to refund in full antidumping duties on which MELCO received a duty drawback upon export of only 99 percent, and not to require payment of duties on items not covered by the antidumping duty order, including replacement parts and subassemblies.

Department's Position: As stated in our Final Determination of Sales at less than Fair Value (50 FR 45447, 45457, October 31, 1985), replacement subassemblies are not covered by the antidumping duty order. However, it remains the responsibility of the importer to satisfy Customs that subassemblies are imported only for replacement purposes. Inquiries regarding duty drawback should be directed to the U.S. Customs Service, which administers the duty drawback program.

Analysis of Japan Radio Company's ("JRC") Comments

Comment 1: In calculating constructed value, Commerce should use the profit attributable to all products of the same "general" class or kind of merchandise as JRC's U.S. CMT components. JRC considers certain telecommunication equipment to be of the same general class or kind of merchandise as its CMT components sold in the United States; this is the profit figure which they reported in their original constructed value response.

Department's Position: In spite of receiving identical instructions for the reporting of SG&A expenses and profit, JRC chose to report each differently. For its reporting of profit, which JRC now purports to be attributable to the same "general" class or kind of merchandise as its CMTs sold in U.S., JRC relied strictly on its financial statement. However, if the Department calculates the general expenses of the company based strictly on its financial statements (*i.e.*, on the same "general" class or kind of merchandise), a significantly larger percentage for SG&A than that reported by JRC would have resulted. The Department cannot accept differing methodologies for the calculation of general expenses and profit when, as is the case here, the amount for general expenses varies so greatly from that which would have been obtained had identical methodologies been utilized. Moreover, when JRC was specifically requested to provide general expense information on the class or kind of merchandise sold in the home market, JRC provided the Department with a product-specific general expense amount. JRC could have used this opportunity to provide the general expense information in the same manner as that reported for profit and which they now claim to be for the same "general" class or kind of merchandise.

For these reasons, the Department has determined that use of the product-specific SG&A figure reported as well as the financial statement-based profit figure would be inconsistent and distortive. The Department has, therefore, accepted the product-specific SG&A amount reported for sales of domestic transceivers which JRC supplied while continuing to use the product-specific amount calculated by the Department for profit. We believe that this provides for more reliable and internally consistent results than does the information supplied by JRC.

Comment 2: The exchange rate for converting constructed value to dollars for comparison with the U.S. sale made on November 28, 1985, is incorrect because it was based on the daily rather than quarterly exchange rate. The quarterly rate must be used in this case, JRC argues, since there is no Federal Reserve certified daily exchange rate for the exact date of sale, Thanksgiving Day, which varies from the quarterly rate by more than five percent.

Department's Position: The Department's statute and regulations direct it to use the exchange rate certified by the Federal Reserve Board. See § 353.80 of the Department's regulations and 31 U.S.C. section

5151(c). The Federal Reserve Board certifies the quarterly exchange rate, unless the daily exchange rate varies from the quarterly rate by more than five percent, in which case the daily rate is certified. See also the Department's Position in response to MELCO's Comment 8. Since the daily exchange rate for the day before Thanksgiving varied by more than five percent from the quarterly exchange rate and was, therefore, the rate certified by the Federal Reserve, the daily rate was used in converting constructed value to dollars. Because no Federal Reserve certified exchange rate was available for the holiday of Thanksgiving Day, we have used the rate in existence the day before the sales confirmation as a reasonable measure of the exchange rate the parties may be deemed to have considered on the date of sale itself.

Analysis of Motorola's Comments

Comment 1: Motorola argues that the Department erred in its preliminary results by assigning Fujitsu its cash deposit rate of 57.81 percent as best information available, claiming that the Department should have instead used the highest margin in effect at the time for any company subject to the antidumping duty order, or 106.60 percent. Motorola further argues that the incentive for companies to respond to the Department's questionnaire is severely diminished if the worst they have to fear is a continuation of their existing cash deposit.

Department's Position: We agree with the petitioner that sufficient incentive through the appropriate application of best information available ("BIA") should be utilized by the Department in order to encourage respondent cooperation and provide accurate dumping determinations. By failing to respond to the Department's questionnaire, Fujitsu made no attempt to provide the Department with information regarding their selling practices; this fact should be taken into account in determining what constitutes best information available for this manufacturer. We believe that, in such a situation, the best information rule is a rule of adverse inference (see *Shop Towels of Cotton from the People's Republic of China: Final Results of Administrative Review of Antidumping Duty Order*, (50 FR 26020, 26022, June 24, 1985)). Fujitsu's cash deposit rate of 57.81 percent is the "all other" rate from the original investigation, and does not reflect information specific to this manufacturer. Given the fact that Fujitsu failed to provide more accurate information, the Department must adversely infer that such information

would, therefore, be detrimental to Fujitsu. Given these circumstances, the Department finds that the use of the highest rate of 106.60 percent from the fair value investigation is the appropriate application of best information available for Fujitsu.

Comment 2: Motorola argues that the Department should use JRC's home market sales of transceivers as the basis of FMV since the home market transceivers of two other Japanese respondents, MELCO and NEC, were determined by the Department in the original antidumping investigation to be "similar" merchandise. Furthermore, aside from the cost differences detailed by JRC between its home market transceiver and the CMT kit sold for export to the United States, little evidence has been provided to support JRC's contention that the two products are not "such or similar."

Department's Position: In both the preliminary and final results of review, the Department has used constructed value as the basis of comparison with JRC's CMT kits sold for export to the U.S. The cost differences between JRC's home market transceiver and the U.S. product were verified by the Department and determined to be of such magnitude as to preclude a reasonable comparison. As the Department stated in the *Final Determination of Sales at Less Than Fair Value in Certain Internal-Combustion, Industrial Forklift Trucks from Japan*:

It is the Department's practice to disregard home market sales as the basis for foreign market value when the difference in merchandise adjustments claimed are of such a magnitude as to lead us to question whether the home market sales reported can serve as an appropriate measure of foreign market value. There are two basic reasons for this practice: (1) In determining whether U.S. sales are being made at less than fair value, we do not want the difference in merchandise adjustment either to falsely create dumping margins or to mask them; and (2) large difference in merchandise adjustments may indicate that the home market sale is not similar to the U.S. sale, thus, warranting a new comparison (53 FR 12552, 12567, April 15, 1988).

The cost differences existing between the transceiver and the CMT kit would have meant adjusting by an amount which exceeded the entire cost of producing the merchandise sold in the United States. An adjustment of such magnitude is inherently sufficient to question the appropriateness of such a comparison. The Department has continued to use the home market transceiver as the basis of foreign market value for MELCO, one respondent referred to by Motorola,

consistent with the finding of similarity within the original investigation, because the differences in merchandise adjustments for MELCO were not of the same magnitude as those for JRC. (See also the Department's response to MELCO's comment 1.)

Comment 3: Motorola states that, since it requested in a timely manner that the Department verify Nihon Dengyo's response, the Department is required by statute to conduct a verification before relying on that response in issuing its final results of administrative review.

Department's Position: In accordance with section 776 of the Tariff Act, the Department conducts verification in an annual administrative review under section 751(a) only when we receive a request for revocation from a respondent, when we receive a request for revocation from a respondent, when we receive a request from the domestic industry and have not conducted a verification during the two immediately preceding reviews and determinations, or when the domestic party has shown "good cause" for verifying the information received during the administrative review (see §353.36(a) of the Department's regulations and *Color Television Receivers from Korea; Final Results of Administrative Review*, FR 24975, 24978, (1988)). In the context of the first administrative review, therefore, the Department retains discretion as to whether to verify a respondent's information since two preceding unverified reviews and determinations have not as yet transpired. In reaching the decision not to verify this respondent, as was timely requested by the petitioner, the Department considered the substantial amount of detail and supporting cost documentation provided in Nihon Dengyo's questionnaire and supplemental submissions, and the fact that this information was also shown to be consistent with its audited financial statements. Furthermore, the only reason offered by the petitioner for requesting verification was that Nihon Dengyo had never previously been verified. The Department, therefore, does not find "good cause" for verification of Nihon Dengyo.

Comment 4: Motorola states that the Department should set the cash deposit rate for Nihon Dengyo equal to that of Fujitsu, which acquired majority interest in Nihon Dengyo during the review period. This would be in accordance with the Department's practice of establishing a single margin for related entities.

Department's Position: The Department does not agree with the

petitioner that the administrative practice of the Department is automatically to establish a single margin for related entities based solely on the extent of their financial relationship. There are, in fact, additional factors which would contribute to a decision to "collapse" related producers (*i.e.*, to treat the two as a single entity). Such factors may include the fact that the two companies involved are capable, through their sales and production operations, of manipulating prices or affecting production decisions. See e.g., *Final Determination of Sales at LTFV; Brass Sheet and Strip from France*, 52 FR 812 (January 9, 1987); *Final Determination of Sales at LTFV; Granite from Spain*, 53 FR 24335 (June 28, 1988).

The sales made by Nihon Dengyo during the review period were made prior to their acquisition by Fujitsu. Aside from the degree of financial interest held by Fujitsu in Nihon Dengyo, we do not have sufficient information to enable us to conclude that the parties do not operate separate and independent sales and production operations. For this reason, the Department will continue to set separate cash deposit rates for each manufacturer.

Comment 5: Motorola argues that Nihon Dengyo's research and development ("R&D") costs were selectively allocated across different models resulting in a substantial allocation of such expenses to products sold outside the period of review and to products sold during the period of review at higher costs. The Department should require the company to use a consistent amortization rule for these expenses.

Department's Position: Although Nihon Dengyo reported its method of allocating R&D costs in the same manner as reflected in its books and records, the Department agrees with the petitioner that an identical allocation method would provide consistent treatment for similar expenses. Therefore, in our final results of administrative review, we have used the same allocation methodology for the development for all models.

Comment 6: Motorola argues that the Department should consider the general expenses and profit for the two respondents involved in the review as reflective of the experience of producers of the same general class or kind of merchandise in the country of exportation. Therefore, the Department should use these amounts from the preliminary results of review, rather than the lower statutory minima, in calculating a CV for Nihon Dengyo.

Department's Position: In the final results of review, the Department has used the statutory minimum for profit in calculating a CV for MELCO (see MELCO Comment 2). Irrespective of that fact, however, the general expense and profit experience of the two reviewed producers cast doubt on whether there is a common industry experience in Japan, since the experiences of these two producers are dissimilar for profit and general expenses. The use of the statutory minimum profit was upheld by the Court of International Trade in *Alhambra Foundry Co. v. U.S.*, 685 F. Supp. 1252, 1260 (1988). Therefore, in the absence of actual general expense and profit data for Nihon Dengyo, the Department has continued to use the statutory minima for general expenses and profit.

Comment 7: Petitioner argues that, despite the fact that the product sold in the U.S. by MELCO is a complete CMT unit with many advanced features while the product sold in Japan is an incomplete unit with only moderate features, the Department has nonetheless accepted the large difference in merchandise adjustment which reduces foreign market value. Instead, Motorola states that the Department should reject the difference in merchandise adjustment reported by MELCO since the U.S. model should have a higher market value than its domestic counterpart; therefore, its lower U.S. price cannot be due to physical differences. Motorola further faults the difference in merchandise adjustment reported by MELCO alleging that MELCO has not properly compiled or attributed all overhead costs. For example, engineering and capital equipment costs above a set amount were not included in overhead. In addition, some R&D was reported as an element of SG&A.

Department's Position: The petitioner's conclusion regarding the relative value of merchandise assumes that such a determination can be made simply by comparing the number of features available for each model. Such a conclusion is not substantiated by the facts on the record. The Department verified the differences in merchandise adjustment between U.S. and home market models reported by MELCO and determined that the amount reported was accurate and reflected actual cost differences based on differences in physical characteristics between the U.S. and home market merchandise. Because a difference in merchandise adjustment accounts only for differences in variable costs, capitalized costs such as MELCO's engineering, capital

equipment expenses, and general R&D expenses (which are included as an element of SG&A) are properly not part of this adjustment. For these reasons, the Department has allowed the difference in merchandise adjustment in its analysis.

Comment 8: Motorola alleges that sales made by MELCO to a trading company in Japan should be treated under the antidumping law as sales to a related party. Motorola argues that this is the proper determination since MELCO and the trading company are both members of the powerful Mitsubishi Group. As such, both are ultimately controlled in large part by a "group of persons" through cross ownerships within the Group, financial inter-dependencies, inter-locking and coordinated directors and officers, and de facto operation.

Department's Position: Motorola has not alleged that MELCO and the trading company are related in any of the ways set forth in § 353.45 of our regulations which reference section 771(13) of the Act. Motorola's claim is similar to that of the petitioner in *Television Receiving Sets, Monochrome and Color, from Japan*, 50 FR 24278 (June 10, 1985), who claimed that manufacturers and purchasers were related by virtue of participation in the groups of the Japanese "keiretsu" system. The Department rejected that argument, noting that "the requirements of the antidumping law are satisfied when the Department investigates whether there is a financial relationship between the seller and the buyer. To go further and investigate non-financial relationships is not required by the Act." *Id.* at 24280. This reasoning was endorsed by the Court of International Trade in *Zenith Radio Corp. v. the United States*, 605 F. Supp. 695 (CIT 1985). Therefore, we have not treated these transactions as if they were between related parties.

Comment 9: Motorola questions the amount of CMT sales revenue used by MELCO in allocating certain selling expenses during 1985 and 1986. Specifically Motorola points to the difference between that amount and the total for CMT sales shown on MELCO's submitted sales listing.

Department's Position: MELCO's sales revenue figure used for allocation purposes appropriately includes all CMT sales—*i.e.*, sales of CMTs entered before and sold after the suspension of liquidation; sales of CMTs manufactured in, and with parts from, the United States; and those CMTs covered by the antidumping duty order. The latter amount correlates with the specific sales being reviewed as indicated on MELCO's sales listing.

Comment 10: Motorola questions a wide variance in overseas shipping expenses reported for MELCO's U.S. sales.

Department's Position: MELCO's differences in freight expenses result from the different quantities involved in shipments as well as the fact that some shipments were air-freighted while others were sent by sea.

Comment 11: Motorola questions whether all parts imported by MELCO as part of a CMT kit are included in the analysis since MELCO's response distinguishes between "non-covered parts" and parts covered by the antidumping duty order.

Department's Position: The Department has not distinguished among parts within MELCO's kit and has treated the kits as a whole. All costs associated with each kit have been included in their entirety.

Comment 12: Motorola questions the use of a uniform sale date for a particular grouping of MELCO's sales since the sale terms do not appear to be fixed on that date.

Department's Position: MELCO's contracts on the sale date in question established the terms of sales including price, quantity and shipment schedule. Petitioner's question may stem from the fact that two sales prices for the same CMT were set forth in separate contracts on that date. Contracts provided to the Department by MELCO verify these facts.

Comment 13: Petitioner faults the Department's value added adjustment because it included losses attributable to U.S. inputs.

Department's Position: In arriving at a U.S. price for MELCO's kit at the time of importation, the Department adjusts for all U.S. value-added, including any proportional loss attributed to U.S. value. This adjustment is consistent with the statute, regulations, and the Department's administrative practice. (See Department's Position on MELCO's comment 4.)

Comment 14: Motorola argues that MELCO's start-up expenses for U.S. production were spread over projected capacity estimates that are excessive.

Department's Position: We disagree. The Department relied on three years of actual production experience in estimating the total five year production volume for allocating MELCO's start-up expenses. Since production during the initial years of operation was significantly below capacity, it is not unreasonable for the Department to accept a moderate growth in production thereafter considering MELCO's projections remained below full capacity. Moreover, the average annual

production for the five year period, using the Department's methodology, remains below the last year of actual production provided by MELCO.

Comment 15: Motorola questions the average credit expense reported by MELCO in 1986 because the financial statement shows interest rates which would produce a higher average than that reported.

Department's Position: The interest rate derived by the petitioner results from a simple average of the high and low amounts reported for promissory rates from MELCO's financial statement. The average interest rate reported by MELCO is based on the average of actual borrowing rates experienced during the period by the company. Accordingly, we have used the interest rate reported by MELCO.

Comment 16: Motorola questions whether the interest income allowed as an offset to MELCO's interest expense was attributable to CMT operations.

Department's Position: The interest income claimed by MELCO as an offset to interest expense was for interest earned on compensatory balances. The Department does not require that such interest be exclusively related to the merchandise subject to review. Short-term interest income, such as that earned on compensatory balances, which is related to the ordinary course of business, is accepted as an offset to short-term interest expense. (See *Final Results of Administrative Review: Titanium Sponge from Japan*, (52 FR 4799, February 17, 1988.)] No offset was claimed on long-term instruments or investment income that is generally not allowed as an offset by the Department.

Final Results of the Review

As a result of the comments received, and correction of clerical errors, we have revised our preliminary results, and determine that the following margins exist for the period June 11, 1985 through November 30, 1986:

Manufacturer	Margin (percent)
Mitsubishi Electric Corporation	6.99
Nihon Densyo	3.89
Japan Radio	17.71
Fujitsu.....	106.60

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Individual differences between United States price and foreign market

value may vary from the percentages stated above.

Further, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for MELCO, Nihon Dengyo, Japan Radio Company, and Fujitsu. For shipments from the remaining known manufacturers or exporters not covered by this review, the cash deposit will continue to be at the rate established in the antidumping duty order (50 FR 51724, December 19, 1985). For any future entries of this merchandise from a new exporter not covered in this or prior reviews, whose first shipments occurred after November 30, 1986 and who is unrelated to any reviewed firm, a cash deposit of 17.71 percent shall be required. These deposit requirements are effective for all shipments of Japanese cellular mobile telephones and subassemblies entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations.

Dated: November 9, 1989.

Eric I. Garfinkel,
Assistant Secretary for Import Administration.

[FR Doc. 89-27189 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Institute of Standards and Technology Visiting Committee on Advanced Technology will meet Monday, December 11, 1989, from 8:30 a.m. to 5 p.m. The Visiting Committee on Advanced Technology is composed of nine members appointed by the Director of the National Institute of Standards and Technology who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and

international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The discussion on NIST Budget scheduled to begin at 3 p.m. and ending at 5 p.m. on December 11, 1989, will be closed.

DATE: The meeting will convene December 11, 1989, at 8:30 a.m. and will adjourn at 5 p.m.

ADDRESS: The meeting will be held in Lecture Room A, Administration Building, National Institute of Standards and Technology, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT:
Dale E. Hall, Visiting Committee Executive Director, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975-2158.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 1, 1989, that portions of the meeting of the Visiting Committee on Advanced Technology which involve examination and discussion of the budget for the Institute may be closed in accordance with section 552(b)(9)(B) of title 5, United States Code, since the meeting is likely to disclose financial information that may be privileged or confidential.

Dated: November 14, 1989.

Raymond G. Kanmer,
Acting Director.

[FR Doc. 89-27207 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by George S. Chenault From an Objection by the South Carolina Coastal Council

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

On August 28, 1989, George S. Chenault (Appellant), filed with the Secretary of Commerce a notice of appeal under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 U.S.C. part 930, subpart H. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification for a United States Army Corps of Engineers (Corps) permit to build a private use timber pier, with mooring pilings and buoys, in Tamarindo Bay, Culebra, Puerto Rico. The PRPB's objection precludes the Corps from issuing the permit pending the outcome of the Appellant's appeal.

15 CFR part 930, subpart H. The appeal is taken from an objection by the South Carolina Coastal Council to the Appellant's consistency certification for a U.S. Army Corps of Engineers' (Corps) permit for the construction of a small pond in Burton, South Carolina. The State's objection precludes the Corps from issuing the permit to the Appellant pending the outcome of the Appellant's appeal.

The Appellant has requested a stay of the appeal and that request has been granted. The Appellant has until December 1, 1989 to file his brief and supporting information and data. If Appellant perfects the appeal by filing the supporting data and information required by the Department's implementing regulations, public comments will be solicited by a notice in the *Federal Register* and a local newspaper.

FOR FURTHER INFORMATION CONTACT:
Kirsten Erickson, Attorney-Adviser, NOAA Office of General Counsel, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235 (202) 673-5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: November 9, 1989.

John A. Knauss,
Under Secretary for Oceans and Atmosphere.
[FR Doc. 89-27220 Filed 11-17-89; 8:45 am]
BILLING CODE 3510-09-M

Coastal Zone Management; Federal Consistency Appeal by Jorge L. Guerrero-Calderon From an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Request for comments.

On March 17, 1989, the Secretary of Commerce received a notice of appeal from Mr. Guerrero-Calderon (Appellant) pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 U.S.C. part 930, subpart H. The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification for a United States Army Corps of Engineers (Corps) permit to build a private use timber pier, with mooring pilings and buoys, in Tamarindo Bay, Culebra, Puerto Rico. The PRPB's objection precludes the Corps from issuing the permit pending the outcome of the Appellant's appeal.

On June 6, 1989, the Department of Commerce published a Notice of Appeal in the Federal Register. 54 FR 24250. The Notice indicated that, if the Appellant perfected the Appeal by filing the supporting data and information required by the Department's implementing regulations, then public comments would be solicited by a notice in the Federal Register and by a notice in a local newspaper.

On June 16, 1989, the Department received the Appellant's brief and supporting data and information. On July 21, 1989, the Department received the response brief of the Puerto Rico Planning Board.

Section 307(c)(3)(A) of the CZMA provides that a timely objection by a state (defined to include Puerto Rico for purposes of the CZMA) to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary of Commerce finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). 16 U.S.C. 1456(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 15 CFR 930.122.

The Appellant requests that the Secretary override the PRPB's consistency objections based on Ground I. To make the determination that the proposed activity is permissible because it is "consistent with the objectives" of the CZMA, the Secretary must find that it satisfies the following four requirements: (1) the proposed activity furthers one or more of the national objectives or purposes contained in Sections 302 or 303 of the CZMA; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest; (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act; and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with Puerto Rico's coastal management program. 15 CFR 930.121.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within thirty days of the publication of this notice and should be sent to Hugh C. Schratwieser, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW, Suite 603, Washington DC 20235. Copies of

comments should also be sent to Lina M. Dueño, Acting President, Puerto Rico Planning Board, Minillas Governmental Center, North Building, De Diego Ave., Stop 22, P.O. Box 41119, San Juan, Puerto Rico 000940-9985, and to Mr. Jorge L. Guerrero-Calderon, Abogados Notarios, Calle de la Tanca Numero 300, Viejo San Juan, Puerto Rico 00901.

All nonconfidential documents submitted or received in this appeal are available for public inspection during business hours at the offices of the Puerto Rico Planning Board and the Office of the Assistant General Counsel for Ocean Services, NOAA.

FOR FURTHER INFORMATION CONTACT:

Hugh C. Schratwieser, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue NW, Suite 603, Washington, DC 20235, (202) 673-5200. (Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: November 13, 1989.

John A. Knauss,

Under Secretary for Oceans and Atmosphere.
[FR Doc. 89-27221 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-08-M

national defense, and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: 15 November 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-27173 Filed 11-17-89; 8:45 am]

BILLING CODE 3810-AE-M

Intent To Grant Partially Exclusive Patent; Razor Resources, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant partially exclusive patent license; Razor Resources, Inc.

SUMMARY: The Department of the Navy hereby gives notice of intent to grant to Razor Resources, Inc., a revocable, nonassignable, partially exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,809,638, entitled "Ocean Location Marking Using Film Forming Polymers," issued March 7, 1989; inventors: Robert R. Kolesar and J. Terry Richard.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 N. Quincy Street, Arlington VA 22217-5000, telephone (202) 696-4001.

Dated: November 15, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-27174 Filed 11-17-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF DEFENSE

Department of the Navy

CNO Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee on Superconductivity will meet December 7, 1989 from 2 p.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss the development and application of both cryogenic and high temperature superconductivity to naval systems and related intelligence, particularly that related to integrated ship power and combat systems. The entire agenda of the meeting will consist of discussions of key issues regarding research requirements and risks, the ability of the industrial base, both here and abroad, to support these requirements and field prototype systems, and related intelligence analyses. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of

DEPARTMENT OF ENERGY**Office of Nuclear Energy****Certification of the Radiological Condition of Shippingport Atomic Power Station, Shippingport, PA**

AGENCY: Office of Remedial Action and Waste Technology, DOE.

ACTION: Notice of certification.

SUMMARY: The U.S. Department of Energy has completed remedial action to decontaminate and dismantle the reactor and steam generating portions of the Shippingport Atomic Power Station. This Federal Register Notice summarizes those activities involved in the accomplishment of the remedial action.

FOR FURTHER INFORMATION CONTACT: J.J. Fiore, Director, Division of Facility and Site Decommissioning Projects, Office of Remedial Action and Waste Technology, U.S. Department of Energy, Washington, DC 20545, (301) 353-5272.

SUPPLEMENTARY INFORMATION: The Shippingport Atomic Power Station (Shippingport Station) was constructed during the mid-1950s as a joint project of the Federal Government and the Duquesne Light Company (DLC). The purposes of the project were to develop and demonstrate pressurized water reactor (PWR) technology and to generate electricity. The reactor and steam generating portions of the station were owned by the U.S. Department of Energy (DOE) and the electrical generating portion was owned by DLC. The station is located on the south bank of the Ohio River at Shippingport, Beaver County, Pennsylvania, on approximately seven acres of land leased from DLC by the U.S. Department of Energy.

The station achieved criticality in December 1957 and was operated by DLC under contract with the Atomic Energy Commission (AEC),¹ office of the Deputy Assistant Secretary for Naval Reactors. The Shippingport Station produced over 7.4 billion kilowatt hours of electricity from the time it began operation in December 1957 until operations were terminated on October 1, 1982. The station utilized three cores of reactor fuel, the last of which was a light water breeder reactor (LWBR) core. The LWBR core was installed in 1977 for the purpose of demonstrating the thermal breeding principle in a light water reactor and was shut down on October 1, 1982. The DOE had no further plans for the station and no utility had

indicated an interest in continuing operation of the station to produce electricity. Thus, following end-of-life testing and defueling, the station was made available for decommissioning in September of 1984.

The station consisted of a pressurized water reactor (PWR) originally rated at 72-MWe, a turbine generator, and associated facilities. The principal elements of the reactor plant were the reactor pressure vessel, and four primary coolant loops and associated equipment which circulated the reactor coolant between the core and the steam generators. The entire primary coolant system was enclosed in a 1 1/4 inch minimum thick steel containment chamber system consisting of three cylinders and a sphere. The containment chambers were located inside heavily reinforced concrete enclosures, mostly underground, with walls and slabs ranging in thickness from 3 to 7 ft. Most radwaste facilities were located in buildings and buried vaults or trenches, while some facilities were out-of-doors.

The station also included a turbine building, a test and training building and a control room. These structures and their non-radiological enclosed systems are owned by DLC and were not dismantled during the decommissioning effort.

In 1984, the DOE's Surplus Facilities Management Program under the Assistant Secretary for Nuclear Energy took responsibility for decommissioning the station properties. Radioactive materials above acceptable residual levels were subsequently removed and transported to a DOE radioactive waste disposal site at Hanford, Washington. Radioactively clean asbestos was sent to a U.S. Environmental Protection Agency (EPA) permitted asbestos disposal site. Chemically hazardous materials were removed for disposal at U.S. EPA permitted hazardous waste treatment and disposal facilities. The structures remaining on site were decontaminated and demolished and interred at the site. Physical decommissioning was completed in June of 1989. Post-remedial action surveys have demonstrated, and DOE has certified, that radiological conditions on the affected property comply with DOE decontamination guidelines, and that the Shippingport Atomic Power Station site presents no radiological hazard to the general public or to site occupants as a result of DOE predecessor activities.

These findings are supported by information contained in the DOE Certification Docket for the remedial action performed at the site from 1985 through 1989. Independent verification of these findings was performed by Oak

Ridge Associated Universities whose Radiological Site Assessment Program's corroborating report is also included in the Docket. Accordingly, the property comprising the reactor site is released from the DOE's Surplus Facilities Management Program.

The certification docket will be available for review between 8:00 a.m. and 4:00 p.m., Monday through Friday (except Federal holidays), in the Department of Energy Public Reading Room located in Room 1E-190 of the Forrestal Building, 1000 Independence Avenue SW., Washington, DC.

The Department of Energy, through the Richland Operations Office, Project Management Division, has issued the following statement:

Statement of Certification: The Property Comprising the Shippingport Atomic Power Station

The Richland Operations Office, Project Management Division has reviewed the radiological data obtained following remedial action at the subject property. Based on this review, the DOE has certified that the property is in compliance with DOE decontamination criteria and standards. Accordingly, the property known as the Shippingport Atomic Power Station on Duquesne Light Company land in the Borough of Shippingport, Beaver County, Commonwealth of Pennsylvania is released from the Surplus Facilities Management Program.

This certification of compliance provides assurance that use of the property will not result in radiological exposure to members of the general public or to site occupants above applicable DOE Guidelines.

Dated: October 31, 1989.

John E. Baublitz,

Acting Director, Office of Remedial Action and Waste Technology, Office of Nuclear Energy, U.S. Department of Energy.

[FIR Doc. 89-27227 Filed 11-17-89; 8:45 am]

BILLING CODE 6450-01-M

Grants; Advanced Coal Research

AGENCY: Pittsburgh Energy Technology Center, DOE.

ACTION: Notice of Restricted Eligibility for the Program Solicitation No. DE-PS22-90PC90282 for Support of Advanced Coal Research at U.S. Colleges and Universities.

SUMMARY: The DOE announces that pursuant to 10 CFR 600.7(b)(1), it intends to conduct a competitive Program Solicitation to award, on a restricted eligibility basis, grants to U.S. colleges,

¹ The Atomic Energy Commission was a statutory predecessor agency of DOE.

universities, and university-affiliated research institutions in support of advanced coal research. The grants will be awarded to a limited number of proposals selected on the basis of scientific merit, subject to the availability of funds.

SUPPLEMENTARY INFORMATION: Since the inception of the University Coal Research Program in FY-80 (by Congressional direction) it has been DOE's intent to maintain and upgrade educational, training and research capabilities of our universities and colleges in the fields of science and technology related to coal. Moreover, the involvement of professors and students to generate fresh research ideas and to ensure a future supply of coal scientists and engineers is a key purpose of this program. Therefore, U.S. colleges, universities, and university-affiliated research institutions may submit, in response to this solicitation, applications *only if* the Principal Investigator or a Co-Principal Investigator listed on the application is a teaching professor at the university *and* at least one student registered at the university is to receive compensation for work performed in the conduct of research proposed in the application, *and* proposals for the university-affiliated research institutions are submitted through the college or university with which they are affiliated. So long as these conditions are met, other participants, Co-Principal Investigators or research staff who do not hold teaching or student positions may be included as part of the research team.

Eligibility for participation in this program in FY-90 is restricted to U.S. colleges and universities and university-affiliated research institutions as defined above.

All applications must relate to coal research in one of the following seven technical categories:

(1) *Coal Science:* Fundamental research on the structure, characteristics, and reactivity of coal and coal-derived materials; nature of the oxygen-, nitrogen-, and sulfur-bonding in coal; geochemical and geophysical properties of coal; techniques and instrumentation applicable to the analysis of coal, coal mineral matter, and coal-derived materials.

(2) *Coal Surface Science:* Research on surface properties of coal and mineral matter pertinent to weathering, preparation (i.e., cleaning, surface enhanced beneficiation, dewatering, and pelletizing), conversion, utilization, and the rheology of coal-oil/coal-water slurries.

(3) *Reaction Chemistry:* Fundamental research directed toward an understanding of organic, inorganic, and biochemistry of coal with respect to catalyzed and uncatalyzed conversion and utilization; chemical and microbiological coal cleaning, gasification, liquefaction, denitrification, denitrogenation, and desulfurization; novel reactions for depolymerizing coal; chemical reactions in supercritical fluids; and fuel cell chemistry.

(4) *Advanced Process Concepts:* Research on concepts of improved coal conversion and utilization processes through novel chemistry, engineering, reactors, or components.

(5) *Engineering Fundamentals and Thermodynamics:* Research on the effect of temperature and/or pressure on transport phenomena with or without chemical reactions; measurement and correlation of thermodynamic and transport properties pertinent to coal conversion and utilization; and supercritical phase behavior.

(6) *Environmental Science:* Research on the formation, control, and elimination of pollutants arising from coal conversion and utilization reactions.

(7) *High Temperature Phenomena:* Investigation of the physical and chemical phenomena at high temperatures associated with combustion and gasification of coal and with electromagnetic generation of power; vaporization of alkalis and ash fusion in coal conversion and utilization processes; and high temperature separation techniques.

Awards: DOE anticipates awarding grants for each project subject to the availability of funds. Approximately \$5.39 million is available for the program solicitation, which should provide support for about 30 proposals. Program solicitations are expected to be ready for mailing by December 5, 1989.

Applications must be prepared and submitted in accordance with the instructions and forms in the Program Solicitation. To be eligible, applications must be received by the Department of Energy by January 23, 1990.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: John N. Augustine.

Dated: November 8, 1989.

Sun W. Chun,
Director,

[FR Doc. 89-27217 Filed 11-17-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP89-634-000 and CP89-815-000; CP89-629-000]

Iroquois Gas Transmission System; Tennessee Gas Pipeline Co.; Iroquois/Tennessee Pipeline Project; Availability of Draft Environmental Impact Statement

November 14, 1989.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC), has made available a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed in the above-referenced dockets, and related nonjurisdictional facilities.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, including receipt of necessary permits and approvals, would have limited adverse environmental impact. The DEIS evaluates alternatives to the proposals.

Iroquois Gas Transmission System (Iroquois) proposed in its applications, Docket Nos. CP89-634-000 and CP89-815-000 to construct pipeline facilities and transport up to 533,900 thousand cubic feet per day (Mcfd) of natural gas received from TransCanada PipeLines Limited. The gas would be delivered to local distribution companies (LDCs), cogeneration, and electric generation customers in New York, New Jersey, and southern New England areas. Iroquois would also deliver gas to Tennessee Gas Pipeline Company (Tennessee) near Wright, New York and Stratford, Connecticut, and to Algonquin Gas Transmission Company (Algonquin) near Brookfield, Connecticut for redelivery to certain LDCs, cogeneration, and power generation customers in Connecticut, Massachusetts, New Hampshire and Rhode Island. Iroquois would deliver additional gas at South Commack, New York, for exchange and redelivery by Texas Eastern Transmission Corporation to three LDCs in New Jersey. To deliver this gas Iroquois would construct a new, 369.4-mile pipeline system of 30- and 24-inch diameter pipe from the U.S./Canada border near Waddington, New York, extending through New York and Connecticut, across Long Island Sound and terminating at facilities of the Long Island Lighting Company (LILCO) near South Commack, New York.

Tennessee in its application, Docket No. CP89-629-000, proposed to transport 243,195 Mcfd of Canadian gas received from Iroquois for delivery to certain LDCs and congeneration customers in Massachusetts, Connecticut, New Hampshire, New York and Rhode Island; and Tennessee would transport 74,547 Mcfd of domestic gas for New England Power Company NEP and 2,000 Mcfd for an LDC customer of Champlain Pipeline Company. To deliver this gas, Tennessee would construct 117.6 miles of mainline loop, 23.5 miles of lateral loops and replacement pipe, 13.7 miles of new pipeline extensions and 9,900 horsepower of compression in Pennsylvania, New Hampshire, New Jersey, New York, Rhode Island and Massachusetts on its existing mainline system.

Algonquin proposed in its application, Docket No. CP89-661-000 to receive up to 20,000 Mcfd of Canadian gas from the Iroquois/Tennessee Pipeline Project and redeliver it to LDCs in Connecticut and New York. Algonquin also proposes to receive up to 74,547 Mcfd of domestic gas from Tennessee at Mendon, Massachusetts, and redeliver it to NEP. The environmental impact of these facilities is evaluated in a separate EIS prepared for the Champlain Pipeline Project.

The staff studied an alternative route called the Iroquois/Greater Northeast (Iroquois/GNE) route as part of a single pipeline alternative to the combined Iroquois/Tennessee and Champlain Pipeline Projects. This alternative route would deviate from the proposed Iroquois route near Canajoharie, New York (milepost 171) and head in an easterly direction 197.1 miles to Mendon, Massachusetts. This alternative is discussed in volume II of the DEIS.

Concurrent with this notice, a separate notice for the Champlain Pipeline Project is being issued. Anyone affected by both projects, including Federal, state and local entities, will be sent both notices. Anyone else can request a copy of the other notice by contacting the FERC Project Manager identified below.

Public Meeting Schedule

Public meetings will be held in January at the following locations to receive comments on the DEIS:

Date and Time	Locations
Jan. 8, 1990: 12:00 to 4:00 p.m.....	Danbury Hilton, 18 Old Ridgeburn Road, Danbury, CT 06810.

Date and Time	Locations
7:00 to 11:00 p.m.....	Danbury High School, 43 Clapboard Road, Danbury, CT 06810.
Jan. 10, 1990: 12:00 to 4:00 p.m..... 7:00 to 11:00 pm.....	Executive Room, Albany Ramada Inn, 1228 Western Avenue, Albany, NY 12203.
Jan. 11, 1990: 12:00 to 4:00 p.m..... 7:00 to 11:00 pm.....	University of Massachusetts, Campus Center, Room 168 C, Amherst, MA 01003.

Interested groups and individuals are encouraged to attend and present oral comments on the environmental impacts described in the DEIS. Anyone who would like to make an oral presentation at the meeting should contact the FERC Project Manager to have their name placed on the speakers' list. Priority will be given to persons representing groups. A second speakers' list will be available at the public meeting. Presentations will be limited to five minutes in length. Transcripts will be made of the meetings.

The U.S. Army Corps of Engineers (COE) will be issuing a separate notice for these meetings. The COE intends to use the same meetings to fulfill its own requirements under the Clean Water Act.

A copy of this notice has been distributed to Federal, State, and local agencies, public interest groups, libraries, newspapers, parties in this proceeding, and other interested individuals.

Comment Procedure

Written comments are also welcome to help identify significant new issues or concerns related to the proposed action. All comments on specific environmental issues should contain supporting documentation rationale. Written comments must be filed on or before January 1, 1990, reference Docket Nos. CP89-634-000, CP89-815-000, and CP89-829-000, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20428. A copy of the comments should also be sent to the FERC Project Manager identified below.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS (FEIS) will then be published by the staff and distributed. The FEIS will contain the staff's responses to timely comments received on the DEIS.

The DEIS has been placed in the public files of the FERC and is available for public inspection in the FERC's

Division of Public Information, Room 2200, 825 North Capitol Street, NE., Washington, DC 20428. Copies have been mailed to Federal, State and local agencies, public interest groups, interested individuals, newspapers, and parties in this proceeding. Any person may file a motion to intervene on the basis of the Commission staff's DEIS (18 CFR 380.10 (a) and 285.214).

Copies of the DEIS are available from Mr. Mark Jensen, Project Manager, Environmental Policy and Project Analysis Branch, Office of Pipeline and Producer Regulation, Room 7312, 825 North Capitol Street, NE., Washington, DC 20428, or call (202) 357-9021 or FTS 357-9021.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26885 Filed 11-17-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL90-5-000]

City and County of San Francisco, CA v. Pacific Gas & Electric Co.; Filing

November 13, 1989.

Take notice that on November 8, 1989, pursuant to Sections 205, 206 and 306 of the Federal Power Act, 16 U.S.C. 824d, 824e and 825e, and Rules 206, 209 and 212 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, .209 and 212, the City and County of San Francisco (San Francisco) tendered for filing a Complaint and Motion for Issuance of an Order to Show Cause against Pacific Gas and Electric Company (PG&E). San Francisco also filed a Motion for Expedited Consideration.

In its Complaint, San Francisco alleges that on October 19, 1989, PG&E made an unexpected demand on San Francisco for payment of \$2,886,112 as a "true-up" rate for service rendered directly to San Francisco and indirectly to Modesto Irrigation District, Turlock Irrigation District and NI Industries, Inc. under a series of agreements among PG&E, San Francisco, Turlock and Modesto. San Francisco represents that PG&E has not filed a rate with the Commission under which these charges can properly be collected. San Francisco further alleges that PG&E has improperly attempted to use the dispute resolution and arbitration procedures of the San Francisco-PG&E Agreement (PG&E's FERC Rate Schedule No. 114) to resolve this claim.

San Francisco requests the Commission grant the following relief:
(i) That the Commission issue an order summarily requiring PG&E to show

cause why it is not required to file with this Commission and justify its proposed surcharge; (ii) that the Commission enjoin PG&E from invoking the arbitration provisions of the San Francisco-PG&E Agreement; and (iii) in the alternative, if the Commission does not summarily order PG&E to show cause, that the Commission issue an order initiating an evidentiary proceeding under section 206 of the Federal Power Act investigating the justness and reasonableness of the surcharge sought by PG&E for the Diablo true-up.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 1, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to the complaint shall be due on or before December 1, 1989.

Lois D. Cashell,
Secretary.

[FR Doc. 89-27146 Filed 11-17-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-21-001]

CNG Transmission Corp.; Filing

November 13, 1989.

Take notice that on November 7, 1989, CNG Transmission Corporation (CNG) filed Substitute Second Revised Sheet No. 120 to its FERC Gas Tariff, Original Volume No. 1, to be effective December 1, 1989.

CNG withdraws First Revised Sheet No. 120 of its October 30, 1989, and requests that it be replaced with Substitute Sheet No. 120.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-27147 Filed 11-17-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-147-007]

United Gas Pipe Line Co.; Compliance Filing

November 13, 1989.

Take notice that on November 6, 1989, United Gas Pipe Line Company (United) submitted for filing the following tariff sheets and certain workpapers with narrative descriptions in response to the Commission's October 5, 1989 Order (October 5, 1989 Order) in this proceeding. The tariff sheets and workpapers are also consistent with the Commission's October 5, 1989 Order (Sea Robin) in Sea Robin Pipeline Company Docket No. RP89-141-001 (Sea Robin Order).

Effective May 1, 1989.

Fourth Substitute Original Sheet No. 4-M
Third Substitute Original Sheet No. 4-N
Fourth Substitute Original Sheet No. 4-O
Third Substitute Original Sheet No. 4-P
Fourth Substitute Original Sheet No. 4-Q
Third Substitute Original Sheet No. 4-Q1
Third Substitute Original Sheet No. 4-R

United states that the filing will be served upon all parties listed on the official service list in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's regulations. All such protests should be filed on or before November 20, 1989.

Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-27148 Filed 11-17-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3681-3]

Stratospheric Ozone Protection Advisory Committee; Meeting

ACTION: Announcement of Meeting, November 28, 1989

SUMMARY: On Tuesday, November 28, 1989, from 12:00 to 1:30 p.m., the U.S. Environmental Protection Agency (EPA), Stratospheric Ozone Protection Advisory Committee, (54 FR 41677) will hold their second meeting. The meeting will take place at the EPA Auditorium, located at EPA Headquarters, 401 M St. SW., Washington, DC. The purpose of this meeting is to inform members and the public about the activities that took place at the recent workgroup meeting of the Parties to the Montreal Protocol

The EPA plans to hold the meeting by conference call, although some members of the committee who are located in the Washington area may prefer to attend in person. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT:
Karla Perri, at (202) 382-7750 or write to the Division of Global Change, Office of Air and Radiation, U.S. Environmental Protection Agency, 401 M Street, SW. Washington, DC 20460.

Dated: November 14, 1989.

Bob Axelrad,

Acting Director, Office of Atmospheric and Indoor Air Programs.

[FR Doc. 89-27212 Filed 11-17-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-845-DR]

Amendment to Notice of a Major Disaster Declaration; California

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-845-DR), dated October 18, 1989, and related determinations.

DATED: November 4, 1989.

FOR FURTHER INFORMATION CONTACT:
Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: The notice of a major disaster for the State of California, dated

October 18, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 18, 1989:

Marin County for Public Assistance. Solano County and the cities of Isleton (in Sacramento County) and Tracy (in San Joaquin County) for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.518, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FIR Doc. 89-27204 Filed 11-17-89; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Strachan Shipping Co. et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200306

Title:

Strachan Shipping Company Terminal Handling Agreement,
Strachan Shipping Company
(Strachan), South Atlantic Cargo
Shipping N.V (SACS).

Synopsis: The Agreement provides for terminal handling services at Port Everglades for certain cargoes, with Strachan as terminal operator and SACS as ocean carrier.

Agreement No.: 224-200270-001

Title: Port of Oakland Terminal
Agreement.

Parties:

Port of Oakland,
Mitsui O.S.K. Lines, Ltd.,
Nippon Liner System (North

American), Inc.

Synopsis: The Agreement amends the basic agreement to provide that an amendment to the agreement will be filed with the FMC prior to the effectiveness of a rental revision during any hold over month-to-month tenancy following conclusion of the basic agreement's term.

By Order of the Federal Maritime Commission.

Dated: November 15, 1989.

Joseph G. Polking,
Secretary.

[FR Doc. 89-27180 Filed 11-17-89; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200059-001

Title: Port of Oakland Terminal
Agreement

Parties:

Port of Oakland
Canadian Transport Company Limited
(CTC)

Synopsis: The Agreement amends the basic agreement to provide for the temporary transfer of CTC's terminal operations from the Howard Terminal to the Ninth Avenue Terminal as a result of damage caused by the October 17th earthquake.

Agreement No.: 224-200157-002

Title: Port of Oakland Terminal
Agreement

Parties:

Port of Oakland
Marine Terminal Corporation

Synopsis: The Agreement amends the basic agreement to permit Canadian Transport Company Limited the temporary use of the Ninth Avenue Terminal as a result of damage caused by the October 17th earthquake.

Agreement No.: 224-200164-002

Title: Port of Oakland Terminal
Agreement

Parties:

Port of Oakland
Compagnie Maritime Belge (CMB)

Synopsis: The Agreement amends the basic agreement to provide for the temporary transfer of CMB's terminal operations from the Howard Terminal to the Transbay Terminal as a result of damage caused by the October 17th earthquake.

Agreement No.: 224-200274-001

Title: Port of Oakland Terminal
Agreement

Parties:

Port of Oakland
Pasha Properties, Inc.

Synopsis: The Agreement amends the basic agreement to permit Compagnie Maritime Belge the temporary use of the Transbay Terminal as a result of damage caused by the October 17th earthquake.

Agreement No.: 224-010968-004

Title: Maryland Port Administration
Terminal Agreement

Parties:

Maryland Port Administration (MPA)
Hapag-Lloyd AG/Atlantic Division
(HL)

Synopsis: The Agreement extends the terms of the basic agreement between MPA and HL for a term of three months.

Agreement No.: 224-200305

Title: New Orleans Steamship
Association Terminal Agreement

Parties:

Cooper/T. Smith Stevedoring Co., Inc.
Transocean Terminal Operations
Anchor Stevedoring Co., Inc.

Synopsis: The Agreement provides for the establishment of New Orleans Steamship Association. It enables the parties to meet, discuss and agree upon rates, charges, rules, regulations, practices, terms and conditions of service for car, truck and barge loading/unloading, and other marine terminal matters pertaining to the receipt, handling and/or delivery of passengers and/or cargo at the public wharves in the Port of New Orleans and, in turn, to present recommendations and requests pertaining thereto to the Board of Commissioners of the Port of New Orleans, as well as, any other similar public port entity handling common carriers on the Mississippi River.

By Order of the Federal Maritime Commission.

Dated: November 14, 1989.
Joseph C. Polking,
Secretary.
[FR Doc. 89-27112 Filed 11-17-89; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Barnett Banks, Inc., et al.; Applications To Engage de Novo In Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 8, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Barnett Banks, Inc.*, Jacksonville, Florida; to engage *de novo* through its subsidiary, Barnett Merchant Services,

Inc., Jacksonville, Florida, in making, servicing, and acquiring loans, or other extensions of credit directly for the accounts of others, such as would be made by a credit card company pursuant to § 225.25(b)(1)(ii) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Chicago Corporation*, Chicago, Illinois; to engage *de novo* through its subsidiary, First Chicago Capital Markets, Inc., Chicago, Illinois, in establishing a branch in London, England, to engage in underwriting and dealing in obligations of the United States government and other bank eligible securities pursuant to § 225.25(b)(16) of the Board's Regulation Y.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Commercial Bancorp, Inc.*, Obion, Tennessee; to engage *de novo* in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in Obion, Tennessee.

2. *Sebastian Bankshares, Inc.*, Barling, Arkansas; to engage *de novo* through its subsidiary, Citizens Mortgage Company, Inc., Barling, Arkansas, in loan origination and packaging pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 89-27166 Filed 11-17-89; 8:45 am]
BILLING CODE 6210-01-M

Richard F. Nogle et al.; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 4, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Richard F. and Beverley Nogle*, Chanute, Kansas; to acquire 25 percent of the voting shares of Fall River Bankshares, Inc., Fall River, Kansas, and thereby indirectly acquire Fall River State Bank, Fall River, Kansas. The Nogles will also acquire an option on the remaining 75 percent of Company's shares as part of the proposal.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 89-27167 Filed 11-17-89; 8:45 am]
BILLING CODE 6210-01-M

Society for Savings Bancorp, Inc., et al., Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 7, 1989.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Society for Savings Bancorp, Inc.*, Hartford, Connecticut; to acquire Franklin Equity Leasing Company, St. Louis, Missouri, and thereby engage in the leasing of personal property, including motor vehicles and cellular telephones, on both a direct and an indirect basis, to individuals and business lessees, and including the acquisitions and disposition or re-leasing of such personal property pursuant to § 225.25(b)(5); the sale, on an agency basis only, of credit life insurance to FELCO lessees pursuant to § 225.25(b)(8); the provision of data processing to third parties by means of the sale or licensing of FELCO's proprietary software package for the financial management of vehicle leasing businesses, pursuant to § 225.25(b)(7); and the offering and sale, as agent for local repair shops, of motor vehicle warranty extension and maintenance contracts on an optional basis to FELCO's lessees, as an activity incidental to vehicle leasing pursuant to § 225.21(a)(2) of the Board's Regulation Y. These activities will be conducted within the metropolitan areas of FELCO's existing leasing offices in Boise, Idaho; Omaha, Nebraska; Portland, Oregon; Seattle, Washington; St. Louis, Missouri; and Tucson, Arizona and from proposed branch offices in Kansas City, Missouri; Nashville, Tennessee; Austin, Texas, and Tulsa, Oklahoma, with the exception of the data processing activities which will be conducted on a nationwide basis.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *National City Corporation*, Cleveland, Ohio; to acquire GEM Savings Association, Dayton, Ohio, and thereby engage in the savings and loan business pursuant to § 225.25(b)(9); and its subsidiaries, GEM Mortgage Corporation of North America, Dayton, Ohio, and thereby engage in mortgage banking pursuant to § 225.25(b)(1); GEM America Realty and Investment Corporation, Dayton, Ohio, and thereby engage in providing real estate loans pursuant to § 225.25(b)(1), real estate appraisal services pursuant to § 225.25(b)(13), and managing of GEM Savings Association real estate pursuant to § 225.22(b); GEM City Community

Urban Redevelopment Corporation, Dayton, Ohio, and thereby hold real estate on which GEM Savings Association's main office is located pursuant to § 225.22(1)(2)(vi); GEM Financial Insurance Agency, Inc., Dayton, Ohio, which is an inactive company, and Applicant proposes to keep it as such; GEM Financial Corporation, Dayton, Ohio, and thereby engage in discount brokerage services pursuant to § 225.25(b)(15); Cen-Pro, Inc., Dayton, Ohio, and thereby engage in arranging commercial real estate equity financing pursuant to § 225.25(b)(14); and Dayton Arcade Community Urban Redevelopment Corp., Dayton, Ohio, and thereby engage in the business of holding for resale property acquired through foreclosure pursuant to § 225.21(c)(1) of the Board's Regulation Y. Comments on this application must be received by December 1, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 89-27168 Filed 11-17-89; 8:45 am]
BILLING CODE 6210-01-M

Union Bancshares, Inc., et al.; Formations of, Acquisitions by, and Mergers of Banking Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 8, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 701

East Byrd Street, Richmond, Virginia 23261:

1. *Union Bancshares, Inc.*, Blairsville, Georgia; to acquire 100 percent of the voting shares of Citizens Bank, Murphy, North Carolina.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Commercial Corporation*, Little Rock, Arkansas; to acquire 100 percent of the voting shares of ABT Bancshares Corporation, Hot Springs, Arkansas, and thereby indirectly acquire Arkansas Bank and Trust Company, Hot Springs, Arkansas. Bank engages in the sale of universal life, property and casualty insurance.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Wells Fargo & Company*, San Francisco, California; to acquire 100 percent of the voting shares of Central Pacific Corporation, Bakersfield, California, and thereby indirectly acquire American National Bank, Bakersfield, California.

Board of Governors of the Federal Reserve System, November 14, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 89-27169 Filed 11-17-89; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Board of Scientific Counselors, Center for Infectious Diseases; Establishment

ACTION: Notice of Establishment; Board of Scientific Counselors, Center for Infectious Diseases.

Pursuant to Federal Advisory Committee Act, 5 U.S.C. Appendix 2, the Centers for Disease Control (CDC) announces the establishment by the Secretary of Health and Human Services of the following Federal advisory committee:

Designation: Board of Scientific Counselors, Center for Infectious Diseases.

Purpose: This Board will provide advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, Center for Infectious Diseases, regarding program goals and objectives, strategies, program organization and resources for infectious disease prevention and control, and program priorities including

surveillance, epidemiologic investigations, field studies, reference diagnostic services, technology transfer, education and training, consultation, information dissemination, professional interactions and collaborations (nationally and internationally), and applied research, including etiologic research, diagnostics research, epidemiologic research, and intervention research.

Authority for this Board will expire October 31, 1991, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: November 14, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-27150 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-18-M

Advisory Committee on Childhood Lead Poisoning Prevention; Establishment

ACTION: Notice of Establishment; Advisory Committee on Childhood Lead Poisoning Prevention.

Pursuant to Federal Advisory Committee Act, 5 U.S.C. Appendix 2, the Centers for Disease Control (CDC) announces the establishment by the Secretary of Health and Human Services of the following Federal advisory committee:

Designation: Advisory Committee on Childhood Lead Poisoning Prevention.

Purpose: This Committee will provide advice and guidance to the Secretary, the Assistant Secretary for Health, and the Director, CDC, on revisions to the policy statement entitled "Preventing Lead Poisoning in Young Children" dated January 1985. The revised policy statement shall research findings since 1985.

Authority for this Board will expire October 31, 1991, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: November 14, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-27151 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-18-M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Minority Health Statistics; Meeting

In accordance with the Federal Advisory Committee Act [Pub. L. 92-463], notice is hereby given that the NCVHS Subcommittee on Minority Health Statistics established pursuant to 42 U.S.C. 242k, section 306(k)(2) of the Public Health Service Act, as amended, announces the following Subcommittee meeting.

Name: NCVHS Subcommittee on Minority Health Statistics

Time and Date: 10:00 a.m.-4:00 p.m., December 12, 1989.

Place: Room 303A-305A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC.

Status: Open

Purpose: The Subcommittee will plan implementation of the 1990 work plan agenda.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and roster of Committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2-12, 3700 East West Highway, Hyattsville, Maryland 20782, telephone (301) 436-7050.

Dated: November 14, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-27152 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-18-M

National Institute for Occupational Safety and Health; NIOSH Low Back Atlas of Standardized Tests/Measures: An Examination of Discriminate Validity; Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC).

Name: NIOSH Low Back Atlas of Standardized Tests/Measures: An Examination of Discriminate Validity.

Time and Date: 9 a.m.-3:30 p.m.—November 30, 1989.

Place: Appalachian Laboratory for Occupational Safety and Health, Room 203, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888.

Status: Open to the public, limited only by the space available.

Purpose: To review a research protocol which will examine the discriminate validity of the individual tests/measures which collectively are

known as the NIOSH Low Back Atlas of Standardized Tests/Measures.

Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Contact Person: Roger M. Nelson, Ph.D., Division of Safety Research, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888, Telephone: Commercial: (304) 291-4810, FTS: 923-4810.

Dated: November 9, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-27153 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 89N-0486]

Bolar Pharmaceutical Co., Inc.; Proposal To Withdraw Approval of Abbreviated New Drug Application for Triamterene and Hydrochlorothiazide Capsules; Opportunity for a Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) proposes to withdraw approval of abbreviated new drug application (ANDA) 71-845 for Triamterene 50 milligrams (mg) and Hydrochlorothiazide 25 mg Capsules held by Bolar Pharmaceutical Co., Inc., P.O. Box 30, 33 Ralph Ave., Copiague, NY 11726-0030 (Bolar). The grounds for the proposed withdrawal are that (1) the application contains untrue statements of material fact, and (2) based on new information, evaluated together with the evidence available when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

DATES: A hearing request is due on December 20, 1989; data and information in support of the hearing request are due on January 19, 1990.

ADDRESSES: A request for hearing, supporting data, and other comments should be identified with Docket No. 89N-0486, and submitted to the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Walter A. Brown, Division of Regulatory Affairs (HFD-366), Center for Drug

Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8041.

SUPPLEMENTARY INFORMATION:

Background

Bolar holds approved ANDA 71-845 for Triamterene 50 mg and Hydrochlorothiazide 25 mg Capsules. This product is a generic version of Smith Kline and French's (SFK's) Dyazide Capsules.

In support of approval of ANDA 71-845, Bolar submitted to FDA a bioequivalence study conducted by PharmaKinetics Laboratories, Inc., Baltimore, MD (PharmaKinetics). This study, purportedly utilizing product from Bolar's lot RD0054, demonstrated that Bolar's product was bioequivalent to Dyazide.

This showing was critical to the approval of Bolar's product. Dyazide, the listed drug under section 505(j)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(j)(6)), was approved based on, among other things, adequate and well-controlled clinical studies showing that the product has the effects claimed for it. Bolar's generic version of Dyazide, Triamterene 50 mg and Hydrochlorothiazide 25 mg Capsules, was approved without the submission of clinical efficacy studies. Instead, Bolar's product was approved based on a finding that Bolar's product was bioequivalent to Dyazide. The finding of bioequivalence is necessary to support the conclusion that Bolar's product will be therapeutically equivalent to Dyazide.

In addition to the bioequivalence study purportedly conducted using product from lot RD0054, Bolar submitted to the ANDA dissolution data, a batch production record, and stability data on this lot, which were necessary for approval. FDA used the dissolution data to assess the comparability of Bolar's product and Dyazide and to establish an appropriate dissolution specification for future, commercial batches of Bolar's product. The dissolution specification helps provide assurance that commercial batches of Bolar's product remain bioequivalent to Dyazide.

The batch production record is significant because it characterizes the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the Bolar product shown to be bioequivalent to Dyazide. These same methods, facilities, and controls must be applied to production of commercial batches of Bolar's product to provide assurance

that the product remains bioequivalent to Dyazide.

The stability data provide assurance that Bolar's product will retain its physical and chemical characteristics and its bioequivalence throughout its labeled shelf-life.

FDA discovered that there are untrue statements and discrepancies in Bolar's ANDA concerning the manufacture and testing of lot RD0054. These untrue statements and discrepancies constitute new information that raises serious questions about the identity and characteristics of the lot that was used to demonstrate the bioequivalence of Bolar's product and, thus, raises concerns about the actual bioequivalence of Bolar's marketed product to Dyazide. This new information is derived from (1) a recent inspection of Bolar, (2) meetings between FDA and Bolar representatives, (3) additional information provided by Bolar representatives, (4) a recent inspection of PharmaKinetics, and (5) information from the suppliers of the active ingredients purportedly used in lot RD0054. The scope and significance of these untrue statements and discrepancies call into question the reliability of all data submitted to FDA concerning lot RD0054.

FDA has also evaluated other pertinent new information consisting of FDA analyses of relevant samples and the results from a postapproval study submitted by Bolar to the State of Tennessee ("the Tennessee study") that casts further doubt on the bioequivalence of Bolar's product and on the reliability of data submitted on lot RD0054.

A discussion of the new information follows:

A. Information on the Manufacture and Testing of Lot RD0054

1. Discrepancies regarding active ingredients. A typed version of the batch record for lot RD0054 was submitted to the ANDA. This record shows the use of raw material number 5609 of triamterene on January 5, 1987. However, Bolar's raw material receiving log shows that raw material number 5609 was not received until January 21, 1987. The batch record in the ANDA also shows the use of raw material number 5556 of hydrochlorothiazide on January 5, 1987. However, Bolar's raw material receiving log shows that raw material number 5556 was not received until January 9, 1987.

Bolar has informed FDA that a handwritten version of the batch record for lot RD0054, which had not been submitted in the ANDA, was the original

record prepared at the time Bolar manufactured the batch. This handwritten version shows the use of active ingredients identified by different Bolar raw material numbers than those shown in the typed version, i.e., raw material number FS 389-58-572 for triamterene and FS 98-6-HCT-2 for hydrochlorothiazide. Bolar had no records documenting the dates of receipt of these two raw materials.

The records of the suppliers of the active ingredient lots reportedly used by Bolar in lot RD0054 do not document a transfer to Bolar of any portion of those active ingredient lots until after the date Bolar's records indicate that lot RD0054 was made. The suppliers have informed FDA that they would have kept records of any shipment to Bolar. It thus appears that Bolar submitted untrue statements in ANDA 71-845 regarding lot RD0054.

FDA has determined that two individuals, Gaspare A. Albanese and Clifford S. Helt, who are identified in Bolar's records as having tested the active ingredient lots reportedly used in the manufacture of lot RD0054, were not employed by Bolar until after the dates of testing indicated in the records. These records include raw materials analytical reports for triamterene raw material numbers 5609 and FS 389-58-572 and for hydrochlorothiazide raw material numbers 5566 and FS 98-6-HCT-2. Both Mr. Albanese and Mr. Helt identified the signatures on these records as theirs but stated that the dates were not in their handwriting. Bolar submitted to FDA in ANDA 71-845 copies of the analytical reports for triamterene raw material number 5609 and hydrochlorothiazide raw material number 5566 that show testing by Mr. Albanese on dates prior to his employment at Bolar.

The untrue statements and discrepancies found in the ANDA and in Bolar's records raise questions about the identity and characteristics of the active ingredients used in lot RD0054 and the time at which this lot was manufactured, and cast doubt on the veracity of other representations made in the ANDA concerning lot RD0054.

2. Batch record discrepancies. The one-page handwritten version of the batch record for lot RD0054, purportedly the original version prepared contemporaneously with the manufacture of the batch, failed to include information about many production and control operations. As noted earlier, Bolar did not submit a copy of this handwritten batch record in the ANDA. Sometime after the batch was actually made, Bolar reportedly prepared a five-page typed version of the batch record for lot RD0054.

containing substantial additional information and then submitted a copy of this typed version to ANDA 71-845. No original records were found to support the additional information in the typed version.

Because the typed version of the batch record for lot RD0054 was prepared after production of the batch and contains more information than the original handwritten version, there is a lack of adequate assurance that the record submitted to FDA accurately represents all the manufacturing steps used to produce lot RD0054. In the absence of adequate original documentation of how lot RD0054 was manufactured, the entries on the typed batch record that are not contained in the original batch record are questionable and cannot be relied upon to establish the methods of manufacture of the batch. Moreover, as discussed above, the two different versions of the batch record show the use of different raw material numbers for triamterene and hydrochlorothiazide. The discrepancies between the two records and the questionable entries on the typed version raise questions about how and when lot RD0054 was actually made and whether this lot is representative of the product approved in the ANDA or marketed by Bolar.

The copy of the typed batch record for lot RD0054 submitted to ANDA 71-845 shows that the production order was prepared by T. Vahidy on January 5, 1987, and checked by A. Walsh on January 5, 1987. These are untrue statements in that Susan Long reportedly entered all of the typed information on this five-page production order at an unspecified date sometime after lot RD0054 was manufactured on January 5 and 6, 1987, and subsequently returned it along with the one-page handwritten version to Mr. Vahidy to complete certain sections in writing on the typed production order. Thereupon, Mr. Vahidy reportedly signed and dated the typed version as having prepared it on January 5, 1987, and Mr. Walsh reportedly signed and dated it as having checked it on January 5, 1987.

For the typed version, all other entries showing dates of performance of each operation are misrepresented in that the batch record as submitted implies that the entries were made at the time of performance when in fact they were made later.

3. Discrepancies regarding the identity of the bioequivalence test lot. Bolar contends that lot RD0054 was used in conducting the bioequivalence study submitted to support approval of ANDA 71-845. However, there are various discrepancies in the records, some of

which indicate that Bolar's lot RD0047 rather than lot RD0054 was used for the bioequivalence study submitted to FDA. Bolar's records indicate that the two lots were manufactured differently, including batch size, mixing time, and active ingredient lots used. Lot RD0054 was reportedly manufactured in accordance with the manufacturing procedures ultimately approved in the ANDA; lot RD0047 was manufactured using different procedures.

Bolar reportedly sent, on separate days, a sample of each lot to PharmaKinetics for bioequivalence testing. Each sample was compared, during separate bioequivalence tests, with a sample from a different lot of SKF's Dyazide Capsules. According to records at PharmaKinetics, the lot identified as RD0054 failed its bioequivalence test (study 30-86-02-7), but the lot identified as RD0047 passed its bioequivalence test (study 30-84-12-6). Bolar submitted a copy of PharmaKinetics' study 30-84-12-6 to ANDA 71-845, claiming the study was performed with lot RD0054. Bolar has admitted to FDA that it altered part of the certified copy of PharmaKinetics' study 30-84-12-6 to indicate that the study had been conducted using lot RD0054, but at least one page still identified the study lot as RD0047.

Bolar contends that it made a mistake when it labeled the bottles of the samples of the two different lots shipped to PharmaKinetics, inadvertently switching the labels for lots RD0054 and RD0047. Thus, Bolar contends, the lot identified in PharmaKinetics' report as RD0047 was in reality RD0054. Bolar has further indicated that it realized this mistake after receiving both study reports from PharmaKinetics, so it unilaterally altered the lot number shown at the beginning of study report 30-84-12-6 to show lot RD0054 (but neglected to change the lot number on a later page) before submitting the report to ANDA 71-845.

Bolar's batch records do not reflect the collection or labeling of the samples involved, nor do they contain any information about discovery of the purported error, or of any investigation, or of any corrective actions taken.

These various errors, omissions, discrepancies, and alterations in the records concerning the identity of the lot used for the bioequivalence study submitted to FDA raise questions about the identity and characteristics of the lot represented by Bolar as being bioequivalent to Dyazide. Furthermore, Bolar's alteration of PharmaKinetics' report that Bolar submitted to the ANDA rendered untrue its implied

representation that the report was as prepared by PharmaKinetics.

4. Lack of a representative sample. Bolar's records and statements to the agency indicate that lot RD0054 was encapsulated on January 5 and 6, 1987, but that the sample from this lot reportedly used for bioequivalence testing was sent to PharmaKinetics on January 5, 1987. There is no record that Bolar performed any testing to assure the uniformity of the blend prior to encapsulation. Therefore, there is a lack of assurance that the bioequivalence sample was representative of the entire lot, and the bioequivalence study results cannot be presumed to be applicable to the marketed product.

B. Other New Information From Tests and Analyses

1. FDA analyses of relevant samples. FDA has recently conducted dissolution testing on samples of Bolar's lot RD0054, samples of some current production lots of Bolar's Triamterene 50 mg and Hydrochlorothiazide 25 mg Capsules, and samples of SKF's lot 1006E90 of Dyazide Capsules. (Bolar compared the dissolution of lot RD0054 with the dissolution of SKF's lot 1006E90, and submitted the results of this comparison of FDA in support of approval of ANDA 71-845.) In the data submitted by Bolar in ANDA 71-845, Bolar's lot RD0054 and SKF's lot 1006E90 showed a close similarity in dissolution. FDA's recent tests, however, show Bolar's lot RD0054 dissolving at a much faster rate than reported in the data submitted in the ANDA and show SKF's lot 1006E90 dissolving at a much slower rate than reported in the ANDA. Furthermore, FDA testing of three current production lots of Bolar's Triamterene 50 mg and Hydrochlorothiazide 25 mg Capsules shows the production lots dissolving at a much slower rate than the rate found in FDA testing of lot RD0054.

These recent test results fail to confirm the dissolution data submitted in support of ANDA 71-845 and raise further questions about the reliability of the data from lot RD0054.

2. The Tennessee study. Bolar sponsored a postapproval study in hypertensive patients comparing treatment with Dyazide against treatment with Bolar's generic version of the drug. This study was subsequently submitted to the State of Tennessee to support inclusion of Bolar's product in that State's formulary.

Although this study reportedly showed no statistically significant differences between the two products in the clinical control of hypertension, the bioequivalence data showed

unacceptable differences between the Bolar production lot used and the SKF reference lot. Moreover, the concentration of active ingredients in the plasma, profiled over time, produced by the Bolar production lot used in the Tennessee study differs from the concentration of active ingredients in the plasma, profiled over time, reported in ANDA 71-845 for lot RD0054. The results in the Tennessee study show Bolar's product producing a 12 percent lower area under the curve for triamterene than SKF's reference product, whereas the results reported to the ANDA in the study on lot RD0054 show Bolar's product producing an 8 percent greater area under the curve for triamterene than SKF's product.

These results fail to confirm the bioequivalence data submitted in support of ANDA 71-845 and raise further questions about the reliability of the data submitted in the ANDA.

Conclusions, Findings, and Proposed Action

As discussed above, ANDA 71-845 contains a number of untrue statements concerning bioequivalence, dissolution, manufacturing procedures and controls, and stability. Statements on these matters are material in that they may affect the agency's decision to approve an application.

Moreover, these untrue statements, together with the aforementioned discrepancies, errors, missing information in Bolar's records, inconsistencies between Bolar's records and other sources of information, and new analyses and studies that fail to adequately support the earlier data, constitute new information that raises significant questions about the reliability and adequacy of the data provided on lot RD0054 in support of the approval of ANDA 71-845. Without reliable information concerning the identity, characteristics, and manufacture of the lot used for bioequivalence, dissolution, and stability studies necessary for approval, the agency cannot assume that the results of these studies are applicable to the approved, marketed product. In the absence of reliable data demonstrating acceptable stability, dissolution, and bioequivalence to the listed drug, there is a lack of substantial evidence of effectiveness.

Although ANDA's may be approved without the submission of adequate and well-controlled clinical efficacy studies, which are required under the substantial evidence standard in 21 U.S.C. 355(d), these approvals are supported by such clinical efficacy studies based on the submission of information to show

bioequivalence to a listed, approved drug. The listed drug, to be approved by the agency, must be demonstrated effective based on clinical efficacy studies satisfying the substantial evidence requirement or must be related through bioequivalence data to another drug that has been demonstrated effective based on such studies. In the absence of reliable information showing bioequivalence between the generic drug at issue and the listed drug, and in the absence of information demonstrating stability of the generic drug throughout its labeled shelf-life, there is no basis for concluding that the clinical efficacy studies supporting the approval of the listed drug likewise support the claims of efficacy on the part of the generic drug.

Accordingly, the Director of the Center for Drug Evaluation and Research finds that (1) ANDA 71-845 contains untrue statements of material fact, and (2) on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. Based on these findings, the Director proposes to withdraw approval of ANDA 71-845, Triamterene 50 mg and Hydrochlorothiazide 25 mg Capsules.

Notice of Opportunity for Hearing

Notice is hereby given to the holder of the ANDA listed above and to all other interested persons, that the Director of the Center for Drug Evaluation and Research proposes to issue an order under section 505(e) of the act (21 U.S.C. 355(e)), withdrawing approval of ANDA 71-845 and all amendments and supplements thereto on the grounds stated above.

In accordance with section 505 of the act and 21 CFR part 314, the applicant is hereby given an opportunity for a hearing to show why approval of the ANDA should not be withdrawn.

An applicant who decides to seek a hearing shall file: (1) on or before December 20, 1989, a written notice of appearance and request for hearing, and (2) on or before January 19, 1990, the data, information, and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of

appearance and request for hearing, submissions of data, information, and analyses to justify a hearing, other comments, and the grant or denial of a hearing are contained in 21 CFR 314.200 (except that the requirement in 21 CFR 314.200(d) (1) and (2) that the applicant submit adequate and well-controlled clinical efficacy studies does not apply) and in 21 CFR part 12.

The failure of the applicant to file a timely written notice of appearance and request for hearing, as required by 21 CFR 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person's drug product. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing are to be filed in six copies. Except for data and information prohibited from public disclosure under section 301(j) of the act or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Section 505(j)(6)(C) of the act requires that FDA remove from its approved product list (FDA's publication "Approved Drug Products with Therapeutic Equivalence Evaluations") (the list) any drug that was withdrawn for grounds described in the first sentence of section 505(e) of the act. If the agency determines that withdrawal of the drug subject to this notice is appropriate, FDA will announce its removal from the list in the Federal Register notice announcing the withdrawal of approval of the drug.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505 (21 U.S.C. 355)) and under authority delegated to the Director of the Center

for Drug Evaluation and Research (21 CFR 5.82).

Dated: November 13, 1989.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 89-27176 Filed 11-15-89; 11:43 am]

BILLING CODE 4160-01-M

[Docket No. 89M-0461]

Cook, Inc.; Premarket Approval of the VH8500 Volumetric Hyperthermia System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Cook, Inc., Bloomington, IN, for premarket approval, under the Medical Device Amendments of 1976, of the VH8500 Hyperthermia Treatment System. After reviewing the recommendation of the Radiologic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of October 17, 1989, of the approval of the application.

DATE: Petitions for administrative review by December 20, 1989.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Adrienne Galdi, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1050.

SUPPLEMENTARY INFORMATION: On February 21, 1989, Cook, Inc., Bloomington, IN 47402, submitted to CDRH an application for premarket approval of the VH8500 Hyperthermia Treatment System. The device is a resistive interstitial conductive hyperthermia device. The VH8500 Hyperthermia Treatment System is indicated for use in the palliative management of certain malignant brain tumors (i.e., glioblastoma multiforme, astrocytoma with anaplastic features, and metastatic) that are progressive, recurrent, or viable.

On July 11, 1989, the Radiological Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On October 17, 1989, CDRH approved the application by a letter to the applicant

from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Adrienne Galdi (HFZ-430), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 20, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the

Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: November 7, 1989.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 89-27175 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: SAN FRANCISCO DISTRICT OFFICE, chaired by Ronald M. Johnson, District Director. The topic to be discussed is food labeling.

DATES: Tuesday, November 28, 1989, 9 a.m. to 12 m.

ADDRESSES: Food and Drug Administration, 50 United Nations Plaza, Conference Rm. 406, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: Lula M. Holland, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 524, San Francisco, CA 94102, 415-556-1364.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: November 14, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-27177 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: DALLAS DISTRICT OFFICE, chaired by Douglas C. Payne, Acting District Director. The topic to be discussed is food labeling.

DATES: Tuesday, November 28, 1989, 1 p.m. to 3 p.m.

ADDRESSES: Arkansas Department of Health, 4815 West Markam St., Little Rock, AR 72205-3867.

FOR FURTHER INFORMATION CONTACT:
Sheryl Baylor, Consumer Affairs Officer,
Food and Drug Administration, 1445
North Loop West, Suite 420, Houston,
TX 77008, 713-220-2322.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationship between local consumers and FDA's district offices, and to contribute to the agency's policy-making decisions on vital issues.

Dated: November 14, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-27178 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: MIAMI DISTRICT OFFICE, chaired by Douglas D. Tolen, District Director. The topic to be discussed is food labeling. The meeting will be conducted in the Spanish language.

DATES: Tuesday, November 28, 1989, 10 a.m. to 12 m.

ADDRESSES: Hialeah Neighborhood Center, 300 East First Ave., Hialeah, FL 33010.

FOR FURTHER INFORMATION CONTACT:
Estela Niella-Brown, Consumer Affairs Officer, Food and Drug Administration, 6601 NW. 25th St., P.O. Box 59-2256, Miami, FL 33159, 305-526-2919.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: November 14, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-27179 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1990:

Name: National Advisory Committee on Rural Health Care Financing Work Group.

Date and Time: January 22-24, 1990, 8:30 a.m.

Place: The Hilton of Santa Fe, 100 Sandoval Street, Santa Fe, New Mexico 87501.

The meeting is open to the public.

Purpose: The Work Group is concerned with financing issues related to rural health care delivery.

Agenda: The Work Group will tour a frontier community of northern New Mexico (transportation will not be provided to the public), hear testimony from health care providers and consumers, and spend time working on the health care financing, health personnel, and health services delivery work group agenda.

Anyone requiring information regarding the subject Committee should contact Mr. Jeffrey Human, Executive Secretary, National Advisory Committee on Rural Health, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0835.

Persons interested in attending any portion of the discussion should contact Ms. Arlene Granderson, Director of Operations, Office of Rural Health Policy, Health Resources and Service Administration, Room 14-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-0834.

Agenda Items are subject to change as priorities dictate.

Dated: November 14, 1989.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 89-27181 Filed 11-17-89; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Institute of Child Health and Human Development; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the

Board of Scientific Counselors, National Institute of Child Health and Human Development, December 1, 1989, in Building 31, Room 2A52.

This meeting will be open to the public from 9:00 a.m. to 12 noon on December 1 for the review of the Intramural Research Program and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on December 1 from 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Plummer, Committee Management Officer, NICHD, Executive Plaza North, Room 520, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Board members, and substantive program information upon request.

Dated: November 9, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-27287 Filed 11-16-89; 10:41 a.m.]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on November 30, 1989, in Building 31, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public from 8 a.m. to approximately 10 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public

Law 92-463, the meeting will be closed to the public from approximately 10 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institute of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: November 14, 1989.

Betty J. Beveridge,
Committee Management Officer, NIH.
[FR Doc. 89-27288 Filed 11-16-89; 10:41 am]
BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Heart, Lung, and Blood Research Review Committee A

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on November 30-December 1, 1989 in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on November 30 from 8 a.m. to approximately 10 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on November 30 from approximately 10 a.m. until adjournment on December 1 for the review,

discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Dated: November 14, 1989.

Betty J. Beveridge,
Committee Management Officer, NIH.
[FR Doc. 89-27289 Filed 11-16-89; 10:41 am]
BILLING CODE 4140-01-M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), of the statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 36163-7, August 19, 1975, as amended by 53 FR 1414-15, January 19, 1988) is amended to reflect a reorganization of the National Institute of Mental Health, ADAMHA. The reorganization revises the functional statement for the Office of Policy Analysis and Coordination.

Section HM-B, Organization and Functions, is amended as follows:

Delete the functional statement for the *Office of Policy Analysis and Coordination (HMM13)*, and substitute the following:

Office of Policy Analysis and Coordination (HMM13)

(1) Provides a focal point for developing goals and implementing strategies to influence Institute planning,

policy, and program development by: (a) monitoring and analyzing Federal, State and local legislative, regulatory, and judicial activities; (b) stimulating interaction and information exchange with the scientific community and with professional and constituent groups; and (c) gathering and analyzing information on research and clinical human resource needs, and (2) oversees an evaluation process to examine and improve performance, identify needs, solve problems, and recommend resource allocations.

Dated: November 8, 1989.

Wilford J. Forbush,
Director, Office of Management.

[FR Doc. 89-27110 Filed 11-17-89; 8:45 am]
BILLING CODE 4160-20-M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 54 FR 38289, September 15, 1989), is amended to reflect the following changes within the National Institutes of Health: (1) Establish the Division of Security Operations (HNAA9) in the Office of Research Services, Office of the Director, NIH. The establishment of this Division strengthens the ability of the National Institutes of Health to respond in the most expeditious and professional manner possible to a rising number of security threats to life and property on the NIH campus.

Section HN-B, Organization and Functions, is amended as follows:

(1) Under the heading *Office of Research Services*, insert the following after the statement for the *Division of Technical Services (HNAA8)*:

Division of Security Operations (HNAA9). (1) Plans, directs, coordinates, and evaluates a comprehensive protection and security program that requires the development of protection and security criteria to eliminate or control protection and security vulnerabilities encountered in the construction, operation, and maintenance of NIH's health care facilities, research laboratories, administration and support facilities, and the physical plant; (2) is responsible for all security and protection programs including education, training, technical assistance, physical security, hospital security, parking and traffic control, law

enforcement, and criminal investigation; (3) implements Federal and Departmental regulations and establishes NIH policies and procedures in the area of security and protection; (4) as the focal point for the receipt and transmittal of classified documents, verifies clearance levels prior to the delivery of classified documents, provides security briefings and debriefings for persons holding security clearances, and destroys outdated classified documents; (5) maintains liaison with international, national, State, and local law enforcement agencies, with particular emphasis on the Federal Bureau of Investigation, Drug Enforcement Agency, Montgomery County Police, and security directors of research facilities receiving NIH funds; and (6) ensures that all appropriate action is taken in civil and criminal cases affecting the NIH and its employees, patients, and visitors, both on and off the NIH Federal Reservation.

Dated: November 8, 1989.

Wilford J. Forbush,
Director, Office of Management, PHS.
[FR Doc. 89-27111 Filed 11-17-89; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-89-2036; FR-2675-C-03]

Public Housing Drug Elimination Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Extension of time to file applications and statement of HUD policy regarding applications.

SUMMARY: On September 18, 1989, HUD published a Notice of Fund Availability soliciting applications for funding under the Public Housing Drug Elimination Program. Eligible applicants are public housing agencies (PHAs) and Indian Housing Authorities (IHAs). Today's notice extends the application deadline to December 15, 1989. Today's notice also states that HUD will consider for funding no more than one application per PHA or IHA. To comply with this notice, each PHA and IHA may submit no more than one application, in which they must identify the project(s) proposed for funding.

FOR FURTHER INFORMATION CONTACT: Howard Mortman, Office of Public and Indian Housing, Department of Housing

and Urban Development, 451 Seventh Street, SW., Room 4110, Washington, DC 20410, telephone (202) 755-9101. (This is not a toll-free number).

Application deadline: Applications must be received by 5:15 p.m., Eastern Standard Time, on December 15, 1989, at the Department of Housing and Urban Development, Room 4110, 451 Seventh Street, SW., Washington, DC 20410, Attention: Howard Mortman, Office of Public and Indian Housing. A copy of the application materials should be simultaneously forwarded to the HUD Field Office with jurisdiction over the Public Housing Agency (PHA), Attention: Chief, Assisted Housing Management Branch; or for Indian Housing Authorities (IHA), Attention: Director, Indian Programs. The Department will not consider any application that has been transmitted by facsimile ("FAX") machine.

SUPPLEMENTARY INFORMATION: On September 18, 1989 (54 FR 38496), HUD announced in the *Federal Register* the availability of \$8,200,000 in grant funds appropriated by the Dire Emergency Supplemental Appropriations Act (Pub. L. 101-45, approved June 30, 1989). These funds are to be used in a manner consistent with the requirements of the Public Housing Drug Elimination Act of 1988 to provide grants to PHAs and IHAs. To receive funding under this program, PHAs and IHAs are required to develop a plan for addressing drug-related crime, and to indicate how assisted activities will further the plan. The deadline for submitting applications to HUD had previously been extended to December 1, 1989. Today's notice further extends the deadline to December 15, 1989. Today's notice also states that HUD will consider for funding only one application per PHA or IHA. Each application must identify the public housing project(s) proposed for funding. The Department has made this determination to ensure an equitable evaluation and award process.

Any PHA or IHA that, prior to publication of this notice, submitted to HUD more than one application must now clarify their application with a letter to HUD that identifies the application to be considered for funding. An original plus one copy of the clarifying letters and any resultant revisions to the application (budgetary, programmatic, or otherwise) in response to this notice must be received by 5:15 p.m., Eastern Standard Time, on December 15, 1989, at the Department of Housing and Urban Development, room 4110, 451 Seventh Street SW., Washington, DC 20410, Attention: Howard Mortman. A copy of the letter

and resultant revisions should be simultaneously forwarded to the HUD Field Office with jurisdiction over the PHA, Attention: Chief, Assisted Housing Management Branch; or for IHAs, Attention: Director, Indian Programs. The Department will not accept telephone calls of facsimile ("FAX") transmissions in response to this notice. (Approved by the Office of Management and Budget under OMB control number 2577-0124).

Authority: Sec. 5127, Public Housing Drug Elimination Act of 1988 (Chapter 2, subtitle C, title V, Anti-Drug Abuse Act of 1988 (Pub. L. 100-690, approved November 18, 1988); section 7(d), Department of Housing and Urban Development Act [41 U.S.C. 3535(d)].

Dated: November 9, 1989.

Michael B. Janis,
General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 89-27137 Filed 11-17-89; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

National Park Service

Public Hearing and 60-day Comment Period on the Draft Environmental Impact Statement, George Washington Memorial Parkway—Potomac Greens

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the National Park Service is releasing a Draft Environmental Impact Statement for a 60-day public comment period starting on November 30, 1989, and ending on January 29, 1990. During that period a public hearing will be held on Wednesday, January 10, at 7:00 p.m., at the Lee Center, 1108 Jefferson Street, Alexandria, Virginia.

The views of interested persons and organizations on the Draft Environmental Impact Statement are solicited, and may be expressed orally at the public hearing or in writing during the comment period. The Draft Environmental Impact Statement will be available for public review at the National Park Service, National Capital Region, Office of Land Use Coordination, 1100 Ohio Drive, SW., Room 201, Washington, DC.

The Draft Environmental Impact Statement is required by Public Law 100-446, and addresses the potential impacts to the George Washington Memorial Parkway which may result from the proposed private 38-acre Potomac Greens development located

immediately to the west of Daingerfield Island on the parkway in Alexandria, Virginia. The Draft Environmental Impact Statement focuses on the potential impacts of the planned Potomac Greens development on traffic and the visual, recreational, and historical integrity of the parkway. The Draft Environmental Impact Statement also presents mitigating alternatives for consideration.

SUPPLEMENTARY INFORMATION: Send comments or requests for further information to Mr. Albert J. Benjamin, Deputy Associate Regional Director, Office of Land Use Coordination, 1100 Ohio Drive, SW., Washington, DC, 20242.

Dated: November 14, 1989.

Ronald N. Wrye
Acting Regional Director, National Capital Region.
[FR Doc. 89-27215 Filed 11-17-89; 8:45 am]
BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COMMUNICATIONS AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development (A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Office, John H. Elgin, (703) 875-1608, IRM/PE, Room 1100B, SA-14, Washington, DC 20523.

OMB number: 0412-0035

Date submitted: November 6, 1989

Submitting agency: Agency for International Development

Form number: A.I.D. Form 1550-2

Type of submission: Renewal

Title: Computation of Percentage of Private Funding for PVO's International Activities.

Purpose: A.I.D. is required to collect information regarding the financial support of private and voluntary organizations registered with the Agency. The information is used to determine the eligibility of PVOs to receive A.I.D. funding.

Reviewer: Donald Arbuckle (202) 395-7340, Office of Management and

Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Dated: November 6, 1989.

Janet L. Vogel,
Acting Planning and Evaluation Division.
[FR Doc. 89-27191 Filed 11-17-89; 8:45 am]
BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: W.A. Kendall and Company, Inc., 400 Farmer Court, P.O. Box 831, Lawrenceville, GA 30245.

2. Wholly-owned subsidiaries which still participate in the operations, and State(s) of incorporation: (i) Seelbach and Company, Inc. State of Incorporation: Georgia

Noreta R. McGee,
Secretary.

[FR Doc. 89-27092 Filed 11-17-89; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 483]

Railroad Revenue Adequacy—1988 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: On November 17, 1989, the Commission served a decision announcing 1988 revenue adequacy determinations for 12 Class I railroads and providing an opportunity to comment on tentative conclusions for the three remaining Class I railroads. That decision announces tentative 1988 revenue adequacy determinations, which incorporate proposed adjustments, for three Class I carriers (Burlington Northern Railroad Company, Chicago and North Western Transportation Company, and Kansas City Southern Railway Company) whose revenue adequacy/inadequacy status is affected by the adjustments. The decision tentatively finds Burlington Northern and Chicago and North Western to be revenue adequate. It tentatively finds Kansas City Southern to be revenue inadequate.

The revenue adequacy status of the remaining Class I carriers is unaffected

by the adjustments. Accordingly, the decision announces final revenue adequacy determinations for these carriers. Two carriers (Florida East Coast and Norfolk Southern) are found to be revenue adequate. The remaining carriers are found to be revenue inadequate.

The Commission solicits comments on the adjustments (employed in making the tentative revenue adequacy/inadequacy findings) as they apply to the Commission's 1988 revenue adequacy determinations or may be applied to future revenue adequacy determinations.

DATES: This decision shall be effective on November 27, 1989. Comments are due by December 18, 1989.

ADDRESS: Send an original and 15 copies of comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr. (202) 275-7489. [TDD for hearing impaired: (202) 275-1721.]

SUPPLEMENTARY INFORMATION: This is the annual determination of railroad revenue adequacy made in accordance with the standards developed in Ex Parte 393, *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981), as modified in Ex Parte 393 (Sub No. 1), *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986), and Ex Parte 393 (Sub No. 2), *Supplemental Reporting of Consolidated Information for Revenue Adequacy Purposes*, 5 I.C.C.2d 65 (1988). This decision applies those standards to data for the year 1988.

Broadly, a railroad will be considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment at least equal to the current cost of capital for the railroad industry. In applying its standard, the Commission has made adjustments to the financial statements submitted by eight carriers. Specifically the adjustments involve: (1) Valuation of the operating property of certain railroads whose assets have been written down incident to mergers and reorganizations at their acquisition cost (instead of predecessor cost); (2) exclusion from the calculation of net railway operating income (NROI) of special charges, such as employees reduction expenses; (3) exclusion from NROI calculations of the costs associated with antitrust settlements; (4) disallowance of current deferred income tax debits as an offset to long-term accumulated deferred income tax credits; and (5) for those railroads that implemented Financial

Accounting Standards Board (FASB) Statement of Accounting Standards No. 96, *Accounting for Income Taxes* (FAS 96), adjustment of beginning of year accumulated deferred income tax credits reported under Accounting Principles Board Decision No. 11 (APB 11) to conform to the procedures promulgated in FAS 96.

Additional information is contained in a concurrent decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 275-7428. [Assistance for the Hearing Impaired is available through TDD services (202) 275-1721.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: November 9, 1989.

By the Commission, Chairman Gradyson, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips. Commissioner André dissented in part with a separate expression.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27222 Filed 11-17-89; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31312]

The Shore Fast Line, Inc.—Trackage Rights Exemption—New Jersey Transit Corp.

New Jersey Transit Corporation (NJT) has agreed to grant local trackage rights to The Shore Fast Line, Inc. (SFL), between milepost 53.3, near Tuckahoe, NJ, and milepost 77.0, near Rio Grande, NJ. This agreement amends the original trackage rights agreement between NJT and SFL which was the subject of a notice of exemption in Finance Docket No. 31025, *The Shore Fast Line, Inc.—Trackage Rights Exemption—New Jersey Transit Corporation* (not printed), served May 1, 1987. These trackage rights will become effective when SFL and Consolidated Rail Corporation have entered into an interchange agreement, more than 7 days after the filing of this notice.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Eric M. Hocky, Rubin Quinn Moss & Heaney, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: November 14, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27223 Filed 1-17-89; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 1096X)]

Consolidated Rail Corp.—Abandonment Exemption—in Union County, NJ

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 0.21-mile line of railroad between a point about 2,050 feet east of the centerline of Bayway Avenue, near milepost 0.59, to the end of the line near milepost 0.8, at Elizabeth, Union County, NJ.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 20, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to

¹ A stay will be routinely issued by the Commission in those proceedings where an

offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 30, 1989.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by December 11, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: John J. Paylor, Consolidated Rail Corporation, Room 1138, Six Penn Center Plaza, Philadelphia, PA 19103.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by November 24, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: November 14, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27224 Filed 11-17-89; 8:45 am]
BILLING CODE 7035-01-M

informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

[Docket No. AB-55; Sub-No. 331X]

**CSX Transportation, Inc.—
Abandonment Exemption—in St. Clair
County, IL**

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 11.34-mile line of railroad between milepost 470.87, at Walmar, and milepost 482.21, at East St. Louis, St. Clair County, IL.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 17, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 27, 1989.³ Petitions for reconsideration

and requests for public use conditions under 49 CFR 1152.28 must be filed by December 7, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Lawrence H. Richmond, CSX Transportation, Inc., 100 North Charles Street, Baltimore, MD 21201.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by November 22, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: November 14, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27225 Filed 11-17-89; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52; Sub-No. 65X]

**The Atchison, Topeka and Santa Fe Railway Co.—Abandonment
Exemption—in Fremont County, CO**

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 2.44-mile line of railroad between milepost 1.0 and the end of the line, at Clelland, Fremont County, CO.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The

appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 21, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by December 1, 1989.³ Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by December 11, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Guy Vitello, The Atchison, Topeka and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, IL 60604.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by November 24, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling

¹ A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: November 14, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27226 Filed 11-17-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation and Liability Act; City of Tacoma

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 13, 1989 a proposed consent decree in *United States and the State of Washington Department of Ecology v. City of Tacoma*, was lodged with the United States District Court for the Western District of Washington. The proposed consent decree concerns a complaint filed by the United States and the State of Washington Department of Ecology against the City of Tacoma, Washington pursuant to sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, to compel the City to carry out the remedial action contemplated by a Record of Decision, issued by the Environmental Protection Agency on March 31, 1988 for the Tacoma Landfill site. The Tacoma Landfill site is located in Tacoma, Washington and is owned and operated by the City of Tacoma. The Tacoma Landfill Site was placed on the National Priorities List in 1983. The consent decree provides that the City shall undertake the remedial action contemplated by the ROD and shall pay the past and future costs of the United States and the State of Washington which the United States and the State have incurred or will incur for response actions at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States*

v. *City of Tacoma, Washington*, D.J. Ref. 90-11-2-381.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Washington, 3600 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington, and at the Region X Office of the United States Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-27216 Filed 11-17-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Weyerhaeuser Co.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Weyerhaeuser Company*, Civil Action No. 89-C-973-C, has been lodged on November 8, 1989, with the United States District Court for the Western District of Wisconsin. The complaint filed by the United States pursuant to section 113 of the Clean Air Act, 42 U.S.C. 7413, alleged that the defendant violated applicable provisions of the federally enforceable Wisconsin State Implementation Plan ("SIP") by emitting bursts of sulfur dioxide (SO_2) in concentrations injurious to public health and welfare.

The proposed Decree requires Weyerhaeuser to install additional pollution control equipment and to achieve, by June 15, 1991, over a ten-fold reduction in its emissions of SO_2 . The decree also requires Weyerhaeuser to pay a civil penalty of \$20,000, and provides for significant stipulated penalties in the event that Weyerhaeuser fails to comply with decree requirements.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be

addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20503, and should refer to the *United States v. Weyerhaeuser Company*, D.J. Reference No. 90-5-1-1-3304.

The proposed Consent Decree may be examined at the office of the United States Attorney, Room 420, 120 N. Henry Street, Madison, Wisconsin 53703 and at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Lands and Natural Resources Division of the Department of Justice, Room 1647 (D), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of \$2.40 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-27229 Filed 11-17-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 7, 1989 a proposed consent decree in *United States v. Benson*, Civil Action No. 87-245-E, was lodged with the United States District Court for the Western District of New York. The proposed consent decree concerns a complaint filed by the United States that alleged violations of the underground injection control ("UIC") program set forth at Part C of the Safe Drinking Water Act, 42 U.S.C. 300h *et seq.*, and its implementing regulations codified at 40 CFR parts 144, 146, and 147 Subpart HH, at the Benson-Zink lease in Allegany Township, Cattaraugus County, New York. The complaint alleged that defendant Benson operated enhanced recovery injection wells on the lease without authorization. The complaint sought injunctive relief to require compliance with the UIC program and civil penalties for past violations. Since the filing of the complaint, defendant Benson has obtained the authorizations required by the UIC program. The decree requires

the defendant to pay \$9,000 in settlement of the United States' claims for civil penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Benson*, D.J. Ref. 90-5-1-2699.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of New York, 502 U.S. Courthouse, Court & Franklin Streets, Buffalo, New York 14202 and at the Region II Office of the United States Environmental Protection Agency, Office of Regional Counsel, 26 Federal Plaza, New York, New York 10278. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-27108 Filed 11-17-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that on November 7, 1989 a proposed consent decree in *United States v. Tyson Foods, Inc.*, Civil Action No. 87-3010, was lodged with the United States District Court for the Western District of Arkansas. The proposed consent decree concerns a complaint filed by the United States against defendant Tyson Foods, Inc. ("Tyson") that alleged violations of section 307(d) of the Clean Water Act, 33 U.S.C. 1317(d), and its implementing regulations, 40 CFR 403.5. The United States alleged that defendant Tyson discharged pollutants into the City of Berryville's wastewater treatment works in excess of the treatment capacity of the works, thereby causing the treatment works to violate its discharge permit issued under the Clean Water Act. The United States further alleged that these excess discharges by Tyson

interfered with the operation of the treatment works or passed through the treatment works or both, in violation of the pretreatment provisions of the Act. The complaint sought injunctive relief to required Tyson to comply with the pretreatment regulations and civil penalties for past violations. The consent decree requires Tyson to operate its pretreatment facilities in a manner that will prevent interference with or pass through the treatment works. Tyson is also required to pay civil penalty of \$64,000 in settlement of the government's civil penalty claims.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. City of Berryville, Arkansas et al.*, D.J. Ref. 90-5-1-2777.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Arkansas, U.S. Post Office and Courthouse Building, 6th and Rogers, Fort Smith, Arkansas 72901 and at the Region VI Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land & Natural Resources Division.

[FR Doc. 89-27109 Filed 11-17-89; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 89-52]

Vincent F. Chicola; Alexandria, LA; Hearing

Notice is hereby given that on June 26, 1989, the Drug Enforcement Administration, Department of Justice, issued to John T. Flanigan, D.D.S., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate

Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AC3391644, and deny any pending applications for registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, January 23, 1990, commencing at 9:30 a.m., at the United States Tax Court, United States Custom House, 423 Canal Street, New Orleans, Louisiana.

Dated: November 9, 1989.

John C. Lawn,
Administrator, Drug Enforcement Administration.

[FR Doc. 89-27098 Filed 11-17-89; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 89-241]

Lewis K. Curtwright, D.O.; Orlando, FL; Hearing

Notice is hereby given that on March 17, 1989, the Drug Enforcement Administration, Department of Justice, issued to Lewis K. Curtwright, D.O., an Order to Show Cause as to why the Drug Enforcement Administration should not deny your application for a DEA Certificate of Registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, November 28, 1989, commencing at 10:00 a.m., at the United States Tax Court, Twiggs Building, 700 Twiggs Street, Tampa, Florida.

Dated: November 9, 1989.

John C. Lawn,
Administrator, Drug Enforcement Administration.

[FR Doc. 89-27099 Filed 11-17-89; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 89-48]

John T. Flanigan, D.D.S.; Tampa, FL; Hearing

Notice is hereby given that on June 5, 1989, the Drug Enforcement Administration, Department of Justice, issued to John T. Flanigan, D.D.S., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate

of Registration, AF1043429, and deny any pending applications for registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Wednesday, January 17, 1990, commencing at 10:00 a.m., at the United States District Court, 611 North Florida Avenue, Room 435, Tampa, Florida.

Dated: November 9, 1989.

John C. Lawn,
Administrator, Drug Enforcement
Administration.

[FR Doc. 89-27100 Filed 11-17-89; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 89-38]

Kin Siu Tam, M.D.; Covington, GA; Hearing

Notice is hereby given that on May 26, 1989, the Drug Enforcement Administration, Department of Justice, issued to Kin Siu Tam, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, BT1199480, and deny any pending applications for registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, November 14, 1989, commencing at 10:00 a.m., at the United States Court of Appeals for the Federal Circuit, 717 Madison Place, NW, Washington, DC.

Dated: November 9, 1989.

John C. Lawn,
Administrator, Drug Enforcement
Administration.

[FR Doc. 89-27101 Filed 11-17-89; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-89-158-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1403-9(b) (shelter holes) to its Dilworth Mine (I.D.

No. 36-04281) located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that shelter holes be readily accessible and be at least 5 feet in depth, not more than 4 feet in width (except crosscuts used as shelter holes) and at least 6 feet in height where the coal seam is 6 feet or more in height.

2. As an alternate method, petitioner proposes the following procedures:

(a) All persons operating track mounted mobile equipment would be instructed to yield to pedestrian traffic;

(b) Shelter holes would be provided every eighty feet;

(c) Crosscuts would be used as shelter holes wherever feasible;

(d) Roof coal would be left in shelter holes cut by the track mounted cutter; and

(e) No shelter hole would be less than 4.5 feet high by 1.7 feet wide by 3.2 feet deep, which allows adequate access and protection for an individual.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Person interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 20, 1989. Copies of the petition are available for inspection at that address.

Dated: November 8, 1989.

Patricia W. Silvey,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 89-27129 Filed 11-17-89; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-89-168-C]

Granny Rose Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Granny Rose Coal Company, P.O. Box 1098, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 3 Mine (I.D. NO. 15-16719) located in Knox County, Kentucky. The petition is filed under section 101(c) of

the Federal Mine Safety and Health Act of 1977.

A Summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. No methane has been detected in the mine.

3. The three-wheel tractors are permissible DC-powered machines, without hydraulics. Approximately 30-40% of the coal is hand loaded into a drag-type bucket. Approximately 20% of the time that the tractor is in use, it is used as a mantrip and supply vehicle.

4. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors. In further support of this request, petitioner states that:

(a) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(b) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips;

(c) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent;

(d) A spare continuous monitor would be available to assure that all coal hauling tractors would be equipped with a continuous monitor;

(e) Each monitor would be removed from the mine at the end of the shift, and would be inspected and charged by a qualified person. The monitor would also be calibrated monthly; and

(f) No alterations or modifications would be made in addition to the manufacturer's specifications.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 20, 1989. Copies of the petition are available for inspection at that address.

Dated: November 9, 1989.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-27130 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-165-C]**Pyro Mining Co.; Petition for Modification of Application of Mandatory Safety Standard**

Pyro Mining Company, P.O. Box 267, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.303 (preshift examinations) to its Palco Mine (I.D. No. 15-14492) located in Webster County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake seals be examined during the preshift examination to determine if they are functioning properly.

2. Due to a low top, a wet bottom and danger from falling gob, petitioner proposes the following alternate method to reduce individual exposure to hazardous conditions:

(a) The three intake seals in the No. 11 coal seam would be physically examined as part of the weekly ventilation examination;

(b) A continuous monitoring station would be established inby the seals to monitor the air passing the seals for methane, carbon-monoxide, and oxygen. This monitoring station would be part of the mine-wide monitoring system;

(c) Audible and visible alarms would be activated at a surface location where a qualified person would be on duty at all times anyone is underground. The system would alarm (audible and visible) anytime methane, carbon-monoxide, and oxygen are not within established limits. The qualified person would respond to all alarms and would initiate immediate investigation of each

alarm and would initiate the appropriate emergency action plan;

(d) All sensors would be calibrated at intervals not to exceed 30 days, and records would be maintained until the next calibration period has been completed; and

(e) All alarms would be printed out as they occur and all sensor readings would be printed out once each hour. These printouts would be maintained at the surface computer control point along with the sensor calibration records.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 20, 1989. Copies of the petition are available for inspection at that address.

Dated: November 7, 1989.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-27131 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-43M

[Docket No. M-89-167-C]**Tudy Coal Co.; Petition for Modification of Application of Mandatory Safety Standard**

Tudy Coal Company, Route 2, Box 327B, Rockholds, Kentucky 40759 has filed a petition to modify the application of 30 CFR 75.313 to its Mine No. 1 (I.D. No. 15-16683) located in Whitley County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. No methane has been detected in the mine.

3. The three-wheel tractors are permissible DC-powered machines, without hydraulics. Approximately 30-40% of the coal is hand loaded into a

drag-type bucket. Approximately 20% of the time that the tractor is in use, it is used as a mantrip and supply vehicle.

4. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors. In further support of this request, petitioner states that:

(a) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(b) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips;

(c) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent;

(d) A spare continuous monitor would be available to assure that all coal hauling tractors would be equipped with a continuous monitor;

(e) Each monitor would be removed from the mine at the end of the shift, and would be inspected and charged by a qualified person. The monitor would also be calibrated monthly; and

(f) No alterations or modifications would be made in addition to the manufacturer's specifications.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 20, 1989. Copies of the petition are available for inspection at that address.

Dated: November 9, 1989.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-27132 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-164-C]

Utah Power & Light Co., Mining Division; Petition for Modification of Application of Mandatory Safety Standard

Utah Power & Light Company, Mining Division, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Deer Creek Mine, 3rd South location (I.D. No. 42-00121) located in Emery County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. On September 24, 1989, petitioner was granted a modification of 30 CFR 75.305 to establish air quality monitoring stations where air entering an exiting the 3rd South area would be monitored weekly (Docket No. M-89-56-C).

2. This petition concerns paragraph 1 of MSHA's Decision and Order which requires that air measuring stations be established, identified with a sign and monitored by a certified person on a daily basis.

3. Due to adverse ground control problems that are causing the roof supports to fail, Petitioner requests that air measuring stations be reestablished in the 3rd South area as outlined in the petition.

4. In support of this request petitioner states that moving the input station would not cause a diminution of safety. The input monitoring station would only be moved 200 feet and would still remain in currently approved No. 6 return entry.

5. For these reasons, petitioner requests an amendment to the Decision and Order granting the petition modifying the application of 30 CFR 75.305.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 20, 1989. Copies of the petition are available for inspection at that address.

Dated: November 8, 1989.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-27133 Filed 11-17-89; 8:45 am]
BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[89-80]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Aviation Safety Reporting System Subcommittee.

DATES: December 13, 1989, 9 a.m. to 5 p.m.; and December 14, 1989, 9 a.m. to 5 p.m.

ADDRESS: National Aeronautics and Space Administration, Ames Research Center, Building 200, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Mr. William Reynard, Office of Aviation Safety Reporting System, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 415/694-6467.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee, Aviation Safety Reporting System Informal Subcommittee was established to provide overall advice and recommendations to the Office of Aeronautics and Space Technology (OAST) on aviation safety needs. The Subcommittee, chaired by Captain C. R. Paty, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and other participants).

Type of Meeting: Open.

Agenda:

December 13, 1989

9 a.m.—Opening Remarks.

9:30 a.m.—Background Orientation.
10:30 a.m.—Review of the Role of the Subcommittee.

11 a.m.—Operations Report.

12 p.m.—Research Report.

1 p.m.—Aviation Safety/Automation Research.

2 p.m.—Adjourn.

December 14, 1989

9 a.m.—Federal Aviation Administration Issues.

10 a.m.—Report Volume Increases and Consequences.

1 p.m.—Criteria for Incident Data Analysis, Retention, and Output.

3 p.m.—General Discussion.

5 p.m.—Adjourn.

Dated: November 13, 1989.

John W. Gaff,

Advisory Committee Management Officer,
National Aeronautics and Space
Administration.

[FR Doc. 89-27193 Filed 11-17-89; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON CHILDREN**Hearing****Background**

The National Commission on Children was created by Public Law 100-203, December 22, 1987 as an amendment to the Social Security Act. The purpose of the law is to establish a nonpartisan Commission directed to study the problems of children in the areas of health, education, social services, income security, and tax policy.

The powers of the Commission are vested in Commissioners consisting of 36 voting members as follows:

1. Twelve members appointed by the President
2. Twelve members appointed by the Speaker of the House of Representatives
3. Twelve members appointed by the President pro tempore of the Senate.

This notice announces the second hearing of the National Commission on Children to be held in San Antonio, Texas.

Time: 9:00 a.m.–12:30 p.m., Tuesday, November 28, 1989.

Place: River Room, Henry B. Gonzales Convention Center, 200 East Market Street, San Antonio, Texas.

Status: 9:00 a.m.–12:30 p.m., open to the public.

Agenda: "Enhancing School Readiness: Support for Early Childhood Development".

Contact: Jeannine Atalay, (202) 254-3800.

Dated: November 14, 1989.

John D. Rockefeller IV,

Chairman, National Commission on Children.

[FR Doc. 89-27197 Filed 11-17-89; 8:45 am]

BILLING CODE 8820-37-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY**Public Hearing**

ACTION: Notice of hearing.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act

Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public hearing to be held in the En Banc courtroom, on the Second floor, of the Robert N.C. Nix Federal Building, at 9th & Market Streets, in Philadelphia, Pennsylvania.

DATE: Tuesday, December 5, 1989, 10:00 a.m.-4:00 p.m.

Status: The hearing is to be open to the public.

Matters to be Discussed: The purpose of this public hearing is to enable Commission members to learn from policy makers and program operators on how to improve the effectiveness of the U.S. Employment Service. Interested parties may submit written comments either prior to or after the official hearing date, but no later than December 18, 1989.

FOR FURTHER INFORMATION CONTACT:

Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 13th day of November.

Barbara C. McQuown,
Director, National Commission for Employment Policy.

[FR Doc. 89-27143 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-30-M

Public Hearing

ACTION: Notice of hearing.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public hearing to be held in Courtroom #7, Room 41, on the fourth floor, of the U.S. District Court House, 811 Grand Avenue, Kansas City, MO.

DATE: Wednesday, December 6, 1989 10:30 am - 5:00 pm.

Status: The hearing is to be open to the public.

Matters To Be Discussed: The purpose of this public hearing is to enable Commission members to learn from policy makers and program operators on how to improve the effectiveness of the U.S. Employment Service. Interested parties may submit written comments either prior to or after the official hearing date, but no later than December 18, 1989.

FOR FURTHER INFORMATION, CONTACT:

Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street NW., Suite 300, Washington, DC 20005.

Signed at Washington, D.C., this 13th day of November.

Barbara C. McQuown,
Director, National Commission for Employment Policy.

[FR Doc. 89-27144 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-30-M

Public Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public meeting to be held in the Yard Bird A Room, on the Second floor, of the Allis Plaza Hotel in Kansas City, Missouri.

DATE: Thursday, December 7, 1989 8:00-3:00.

Status: The meeting is to be open to the public.

Matters to be Discussed: The purpose of this public meeting is to enable the Commission members to discuss progress on the proposed research agenda, and to discuss findings received from the prior hearings.

FOR FURTHER INFORMATION, CONTACT:

Barbara C. McQuown, Director, National Commission for Employment

Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 13th day of November.

Barbara C. McQuown,
Director, National Commission for Employment Policy.

[FR Doc. 89-27145 Filed 11-17-89; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrences for Second Quarter CY 1989; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences AOs (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incidents at NRC licensees were determined to be AOs using the criteria published in the *Federal Register* on February 24, 1977 (42 FR 10950). The AOs are described below, together with the remedial actions taken. The events are also being included in NUREG-0090, Vol. 12, No. 2 ("Report to Congress on Abnormal Occurrences: April-June 1989"). This report will be available in the NRC's Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC about three weeks after the publication date of this *Federal Register* Notice.

Nuclear Power Plants

89-6 Significant Deficiencies in Management Controls at Surry Nuclear Power Station

The third general AO criterion notes that major deficiencies in design, or management controls for licensed facilities or material can be considered

an abnormal occurrence. In addition, one of the AO examples noted that serious deficiency in management or procedural controls in major areas can be considered an abnormal occurrence.

Date and Place—Early 1988 through March, 1989; Surry Units 1 and 2, Westinghouse-designed 3-loop pressurized water reactors, operated by Virginia Electric and Power Company (the licensee), and located in Surry County, Virginia.

Nature and Probable Consequences—Based on cumulative inspection findings from early 1988 to March 1989, the NRC concluded that major deficiencies existed in the management controls at the Surry Power Station. Serious safety concerns were raised regarding the licensee's ability to self-identify and correct deficiencies without NRC intervention. These deficiencies have generally involved: (1) Original design deficiencies that the licensee should have identified on its own; (2) inadequate evaluation of operating events, identified deficiencies and NRC Bulletins and Information Notices; (3) failure to take timely corrective action for known deficiencies; and (4) failure to take adequate corrective actions.

Background

NRC concerns, with regard to the licensee's adequacy of safety evaluations and implementation of its corrective action program, have been the subject of enforcement actions in the past. Since 1988, in addition to the \$50,000 civil penalty discussed in detail below, there have been four escalated enforcement actions with civil penalties issued to the licensee that reflect on its failure to identify problems to take prompt and adequate corrective actions. These enforcement actions are briefly discussed as follows:

- On June 13, 1988, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000. In February 1988, NRC identified a violation involving the failure to maintain and verify operability of heat trace circuitry for boric acid flow paths. This problem had existed for an extended period of time without station personnel questioning the reason for continuously lit annunciators.

- In a separate action dated June 13, 1988, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000. In March 1988, an event had occurred that had a significant potential for a radiation overexposure during the licensee's attempt to free an incore detector from a thimble tube. The

licensee's response to the event was inadequate.

- On August 25, 1988, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$100,000. In May 1988, an individual exceeded the whole body quarterly occupational radiation dose limit, due in part to inadequate corrective actions associated with a prior event.

- On November 10, 1988, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$50,000. The violation involved insufficient cleanliness controls when working on safety related systems, as foreign material was found in the containment sumps that had gone undetected for an extended period of time. This could have resulted in damage to the low head safety injection and recirculation spray pumps.

Additional Inspections and Issues Identified

Additional inspections conducted from September 1, 1988 through March 4, 1989 identified additional violations. For many of the violations, information was available that if properly evaluated and acted upon, should have prevented or led to earlier correction of those violations. Other violations were related to significant design and evaluation issues. These inspections were: an NRC Augmented Inspection Team (AIT) inspection conducted from September 1-3, 1988; an NRC Safety System Functional Inspection (SSFI) conducted from September 12-16, September 26-30, and November 14-18, 1988; and NRC Resident Inspector inspections conducted from October 2-November 5, 1988, November 6-December 17, 1988, December 18, 1988-January 28, 1989, and January 29-March 4, 1989. The AIT inspection was conducted to review the facts and circumstances associated with the failure of the Unit 1 refueling cavity seal on May 17, 1988. The SSFI focused on the safety-related service water system and the recirculation spray system including associated electrical systems.

The violations identified in the inspections were grouped into five sections of the May 18, 1989 NRC letter forwarding the Notice of Violations and Proposed Imposition of \$500,000 Civil Penalties. The sections are summarized below:

I. Cavity Seal Failure. Violations involved: (a) The inadequate design of the Unit 1 reactor cavity seal that failed on May 17, 1988, resulting in a refueling cavity water leak of about 30,000 gallons; and (b) inadequate licensee actions taken subsequent to the seal

failure. The NRC was not informed of this event until August 30, 1988. The NRC AIT found that the licensee's response to NRC Bulletin No. 84-03, "Refueling Cavity Water Seal," was deficient in that the evaluation of the unique Surry cavity seal design did not assure that appropriate tolerances and installation instructions were provided.

The inflatable backup seal coincidentally failed when a section of instrument air was isolated for unrelated local leak rate testing at a time when the backup nitrogen bottles were not correctly aligned. The AIT found that the station lacked procedures and drawings for these two systems and operations personnel had not been adequately trained on operation of these particular systems. The licensee's initial evaluation of the event failed to quantify both the amount and rate of leakage (30,000 gallons in 5 minutes). This inadequate evaluation of the scope and significance of the J-seal failure led to the licensee reloading the core three days later with the deficiencies uncorrected, thus placing the plant in an unanalyzed condition during the reloading period.

The violations in this section were assessed a civil penalty of \$200,000.

II. Additional Corrective Action Violations. This section involved a number of problems that were not properly evaluated and corrected, even though the licensee had information available, either through NRC correspondence or the licensee's internal deficiency reporting system which should have prompted the licensee to act in a more timely manner.

Violations included: (a) Inadequate evaluation and disposition of NRC Information Notice No. 88-23, "Potential for Gas Binding of High-Pressure Safety Injection Pumps During a Loss of Coolant Accident," resulting in both Surry Units operating for a period of time with degraded, safety systems until mid-September 1988, when both units were shut down for unrelated reasons; (b) Control Room—Relay Room Ventilation Chiller capacity less than specified in the Final Safety Analysis Report (FSAR); (c) both trains of the Control Room and Emergency Switchgear Room Ventilation System incapable of performing their intended function; (d) use of unqualified replacement parts in some safety-related components; (e) recurring wetting of auxiliary feedwater pump motors during periods of heavy rains due to inadequately sealed roof plugs; and (f) various program deficiencies associated with assuring that quality

control inspection and quality assurance audit findings were adequately resolved.

The violations in this section were assessed a civil penalty of \$175,000.

III. Design Control. The SSFI identified violations concerning a number of inadequate calculations performed to support certain plant modifications. The most significant example concerned inaccurate and nonconservative assumptions used for the 1988 recirculation spray heat exchanger replacement that was identified by the NRC and should have been identified by the licensee's review process. If left uncorrected, the plant would have continued to operate with the ultimate heat sink design outside of FSAR assumptions. The other violations demonstrated weaknesses in both the mechanical and electrical engineering disciplines.

The violations in this section were assessed a civil penalty of \$25,000.

IV. Technical Specifications Operability Requirements. This violation concerned the operability of the emergency service water pumps. Both the FSAR and technical specification basis specified a 15,000 gpm capacity for each pump. However, pump capacity apparently degraded over the life of the plant to about 12,000 gpm and plant surveillance test acceptance criteria were changed on several occasions without performing an evaluation for the change in system performance.

This violation was assessed a civil penalty of \$100,000.

V. Other SSFI Identified Violations. These violations involved the adequacy of surveillance tests, incorporation of vendor recommendations into maintenance procedures, material traceability problems, and post maintenance testing.

These violations were classified at a lower severity level than those described in Sections I through IV above, and no civil penalty was assessed.

Cause or Causes—The causes were attributed to significant deficiencies in both site and corporate management controls over Surry Nuclear Power Station activities.

Actions Taken to Prevent Recurrence

Licensee—the licensee had shut down both Surry Unit 1 and Unit 2 in September 1988 (Unit 1 on September 13, due to emergency diesel generator operability concerns; and Unit 2 on September 9, for a refueling outage). The licensee agreed not to restart either unit until the NRC concurred.

During meetings held on February 26, March 30, April 26, and May 22, 1989,

senior licensee management presented to the NRC an extensive corrective action plan that included both Design Reconstitution and Configuration Management Programs. For the immediate short term, the licensee performed an operational readiness review (verification of system configuration and document reviews), emergency power testing (similar to original startup testing), and functional testing. In addition, the licensee made a number of recent management changes at the site, and is in the process of enhancing its problem evaluation and corrective action capabilities.

The licensee did not contest the May 18, 1989, NRC Notices of Violations and Proposed Imposition of \$500,000 civil penalties; the licensee has paid the civil penalty in full.

NRC—Significant NRC efforts were expended in identifying and documenting the numerous deficiencies previously discussed, and in reviewing and monitoring the corrective actions taken by the licensee.

On January 26, 1989, an Enforcement Conference was held at the NRC Region II Office to discuss design control and corrective action problems affecting various plant systems.

On March 9, 1989, the NRC issued a Confirmation of Action Letter (CAL) to the licensee, which itemized the issues yet to be completed by the licensee, and reviewed by the NRC, prior to restart of both units.

Based on the satisfactory corrective actions taken by the licensee, on June 30, 1989, the CAL was lifted for Unit 1 by discussions between licensee and NRC management. Unit 1 was restarted on July 7, 1989. On September 8, 1989, the CAL was lifted for Unit 2. Unit 2 was restarted on September 16, 1989.

Other NRC Licensees (Industrial Radiographers, Medical Institutions, Industrial Users, etc.)

89-7 Medical Therapy Misadministration

The general AO criterion notes that an event involving a moderate or more severe impact on public health or safety can be considered an abnormal occurrence.

Date and Place—March 13–27, 1989; Indiana University School of Medicine; Indianapolis, Indiana. The misadministration was reported to the NRC Region III office on April 10, 1989.

Nature and Probable Consequences—A 68-year old male patient suffering from metastatic lung disease involving the spine and both hips began receiving cobalt-60 treatments to the lumbosacral spine area on March 11, 1989. Treatment

to the spine was given at 300 rads per day for ten days.

On March 13, the senior resident oncologist in the school changed the prescription to include cobalt-60 treatments to the patient's left hip. The new prescription was based on the result of a bone scan. Treatment was to consist of a total dose of 2,700 rads to the hip over a period of nine days.

In the simulation room where the patient's left hip was to be marked for eventual treatment, the patient was placed in the "prone" position (face down) and his hip marked and fluoroscoped. However, the wrong hip was marked. The bone scan, which was the basis for the treatment, had been taken of the patient while he was in the "supine" position (face up). When the patient was placed on the table, face down, the patient was now in the opposite position for the bone scan. This mispositioning went unnoticed and the right hip, which was closest to the technologist, was erroneously marked and received the treatment.

Treatment began March 13 and ended March 27 when the resident oncologist discovered the error while reviewing the patient's chart. The patient and the patient's referring physicians were notified of the misadministration; however, the licensee did not notify the NRC until April 10, 1989, contrary to the requirements of 10 CFR Part 35.33(a) which states that initial notification must be made within 24 hours after discovery of the misadministration. Treatment on the patient's left hip was subsequently begun on April 10.

An NRC medical consultant was requested to evaluate the medical significance of the event. The consultant concluded that in view of the patient's widespread metastatic disease, the inadvertent 2,700 rads dose to the right hip would not result in a significant, untoward consequence to the patient.

Cause or Causes—It appears that the lack of a written prescription given to the simulator technologist contributed to the mispositioning of the patient on the simulator table and the wrong hip being treated. In addition, the absence of left or right side markers on the simulator radiograph and failure to audit positioning early in the treatment allowed the misadministration to go unnoticed during the treatment period.

In regard to the delay in reporting the event to the NRC, the licensee's communication system apparently broke down in that the facility's radiation protection officer was not told of the misadministration until April 10, 1989.

Actions Taken to Prevent Recurrence

Licensee—In response to the Region III CAL and the notice of violation, described below, on May 17, 1989, the licensee documented its specific corrective actions which have been implemented in regard to teletherapy procedures and reporting requirements.

In regard to teletherapy procedures, the licensee submitted a copy of its Radiation Oncology Department's quality assurance/quality control (QA/QC) procedure for external beam radiation therapy. The procedure describes precautionary steps to be taken before initiating treatments, a separate review by a physicist, and a weekly review of treatment charts for all patients undergoing treatment.

In regard to reporting requirements, each staff member signed a form that he or she has reviewed 10 CFR Part 35.33 requirements; the requirements were added to the departmental manual; and the requirements have been posted in the department. Training will be provided for new personnel.

NRC—An NRC inspection was conducted on April 18, 1989 to review the incident. On May 8, 1989, a notice of violation was issued for the licensee's failure to report the misadministration to the NRC within 24 hours of discovery.

On April 26, 1989, NRC Region III forwarded a CAL to the licensee documenting the licensee's agreement to (a) provide training to the radiation oncology staff in specific NRC reporting requirements, and (b) incorporate into the teletherapy QA/QC program comprehensive chart review procedure to be performed at least once a week for all patient charts.

Dated at Rockville, MD this 14th day of November 1989.

For the Nuclear Regulatory Commission.
Samuel J. Chilkis,

Secretary of the Commission.

[FR Doc. 89-27196 Filed 11-17-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.—Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 78 to Facility Operating License No. NPF-10 and Amendment No. 66 to Facility Operating License No. NPF-15, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and the City of Anaheim, California (the licensees), which revised the Technical Specifications for

operation of the San Onofre Nuclear Generating Station, Units Nos. 2 and 3, located in San Diego County, California.

The amendments were effective as of the date of issuance.

These amendments revise Technical Specifications 3/4.1.3.4, "CEA Drop Time" and its associated Bases, to use both as arithmetic average control element assembly (CEA) drop time and a maximum individual CEA drop time. The maximum individual CEA drop time restriction would be used to limit the CEA drop time distribution from the arithmetic average. The amendments are in response to an application for amendment dated July 31, 1989 and designated as PCN 295.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR chapter I, which is set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action was published in the *Federal Register* on September 7, 1989 (54 FR 37172). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined that an environmental impact statement will not be prepared and that issuance of the amendment will have no significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendments dated July 31, 1989 (2) Amendment No. 78 to License No. NPF-10 and Amendment No. 66 to License no. NPF-15, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW, Washington, DC 20555, and the General Library, University of California, P.O. Box 19557, Irvine, California 92713. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 9th day of November, 1989.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Project Manager, Project Directorate V, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-27195 Filed 11-17-89; 8:45 am]

BILLING CODE 7590-01-M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Computer Matching Between the Selective Service and the Department of Education

AGENCY: Selective Service System.

ACTION: Notice.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Public Law 100-503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 [June 19, 1989]), and OMB Bulletin 89-22, the following information is provided:

1. Name of participating agencies: The Selective Service and the Department of Education (ED).

2. Purpose of the match: The purpose of this matching program is to ensure that the requirements of section 12(f) of the Military Selective Service Act (50 U.S.C. APP. 462) are met.

3. Authority for conducting the matching program: Computerized access to Selective Service Registrant Registration Records (SSS 10) enables ED to confirm the registration status of applicants for assistance under Title IV of the Higher Education Act of 1965 (HEA), as amended (20 U.S.C. 1070 *et seq.*). Computerized access to the Selective Service Registrant Registration Records (SSS 10) also enables ED to identify those recipients of Pell Grants prior to the 1988-89 award year (the first year of the applicant matching program) who may not have registered with Selective Service. Section 12(f) of the Military Selective Service Act, as amended (50 U.S.C. App. 462), denies eligibility for any form of assistance or benefit under Title IV of the HEA to any person required to present himself and submit to registration under Section 3 of the Military Selective Service Act who fails to do so in accordance with that section and any rules and regulations issued under that section. In addition, the Military Selective Service Act and 34 CFR Part 668.33 require any person required to present himself and submit

to registration under Section 3 of the Military Selective Service Act to file a statement that he is in compliance with the Military Selective Service Act. Furthermore, section 12(f)(3) of the Military Selective Service Act authorizes the Secretary of Education, in agreement with the Director of the Selective Service, to prescribe methods for verifying the statements of compliance filed by students.

4. Categories of records and individuals covered: (1) Federal Student Aid Application File (18-40-0014). Individuals covered are men born after December 31, 1959, but at least 18 years old by June 30 of the applicable award year; (2) Pell Grand Recipient File (18-40-0015). [Only for those recipients who applied for assistance prior to July 1988]. Individuals covered are men born after December 31, 1959, but at least 18 years old by June 30 of the applicable award year; (3) Selective Service Registrant Registration Records (SSS 10).

5. Inclusive dates of the matching program: 18 months—commencing January 2, 1990.

6. Address for receipt of public comments or inquiries: Mr. Richard S. Flahavan, Associate Director for Operations, The Selective Service System, Washington, DC 20435.

Date: November 13, 1989.

Samuel K. Lessey Jr.,
Director of Selective Service.

[FR Doc. 89-27139 Filed 11-17-89; 8:45 am]
BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2387;
Amdt. 2]

California; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Federal Emergency Management Agency's amendment of November 4, 1989 to the President's declaration, to include Solano County, the City of Isleton in Sacramento County, and the City of Tracy in San Joaquin County as a disaster area as a result of damages caused by an earthquake which occurred on October 17, 1989.

In addition, applications for economic injury from small businesses located in the contiguous counties of Napa and Yolo in California may be filed until the specified date at the previously designated location. Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or

primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on December 18, 1989, and for economic injury until the close of business on July 18, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 13, 1989.

Alfred E. Judd,
Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-27123 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2388;
Amdt. 1]

Kentucky; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated November 3, 1989, to include the Knox County as a disaster area as a result of damages caused by severe storms, flooding, and mudslides on October 16-18, 1989.

In addition, applications for economic injury from small businesses located in the contiguous county of Whitley in Kentucky may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on December 29, 1989, and for economic injury until the close of business on July 30, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 13, 1989.

Alfred E. Judd,
Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-27124 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council; Glendale, CA; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, will hold a public meeting at 11:00 a.m. on Tuesday, December 5, 1989, at Churchill's Restaurant, 209 North Glendale Avenue,

Glendale, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. M. Hawley Smith, District Director, U.S. Small Business Administration, 330 North Brand Boulevard, Glendale, California 91203, phone (213) 894-2977.

Dated: November 13, 1989.

Jean M. Nowak,
Director, Office of Advisory Councils.

[FR Doc. 89-27115 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council, Riverside, CA; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Santa Ana, will hold a public meeting from 7:30 to 9:30 a.m. on Thursday, December 7, 1989, at the Riverside Chamber of Commerce, 4261 Main Street, Riverside, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John S. Waddell, District Director, U.S. Small Business Administration, 901 W. Civic Center Drive, Suite 160, Santa Ana, California 92703, phone (714) 836-2494.

Dated: November 13, 1989.

Jean M. Nowak
Director, Office of Advisory Councils.

[FR Doc. 89-27118 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region X Advisory Council, Boise, Idaho; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Boise, will hold a public meeting at 9:30 a.m. on Wednesday, November 29, 1989, at the Owyhee Plaza Regency room, 1109 Main Street, Boise, Idaho, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Joseph G. Kaepner, District Director, U.S. Small Business Administration, 1020 Main Street, Suite 290, Boise, Idaho 83702, phone (208) 334-9641.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27117 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region VII Advisory Council, Cedar Rapids, Iowa; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Cedar Rapids, will hold a public meeting at 10:00 a.m. on Wednesday, December 6, 1989, at the Sirloin and Brew Restaurant, 4407 First Avenue S.E., Cedar Rapids, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call James N. Thomson, District Director, U.S. Small Business Administration, 373 Collins Road, NE., Cedar Rapids, Iowa 53402-3118, phone (319) 399-2571.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27118 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region VII Advisory Council, Wichita, Kansas; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Wichita, will hold a public meeting at 11:30 a.m. on Thursday, December 7, 1989, at the Executive Dining Room of Bank IV, Fourth Financial Center, 100 North Broadway, Wichita, Kansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Clayton Hunter, District Director, U.S. Small Business Administration, 110 East Waterman, Wichita, Kansas 67202, phone (316) 269-6566.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27119 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region II Advisory Council, Livingston, N.J.; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Newark, will hold a public meeting at 8:30 a.m. on Wednesday, November 29,

1989, at the Headquarters of Bellcore, Bell Communications Research, 290 West Mount Pleasant Avenue, Livingston, New Jersey, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Stanley H. Salt, District Director, U.S. Small Business Administration, 60 Park Place, Newark, New Jersey 07102, phone (201) 645-3580.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27120 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region II Advisory Council, New York, N.Y.; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of New York City, will hold a public meeting at 9:30 a.m. on Wednesday, November 29, 1989, in the Board Room of Pfizer, Inc., 235 East 42nd Street, New York, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Bert X. Haggerty, District Director, U.S. Small Business Administration, 26 Federal Plaza, Room 3100, New York, New York 10278, phone (212) 264-1318.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27121 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Region II Advisory Council, Washington, DC; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Washington, DC, will hold a public meeting at 3:00 p.m. on Thursday, December 14, 1989, at the U.S. Small Business Administration's Washington District Office, 1111 18th Street, NW., Conference Room, 6th Floor, Washington, DC, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Thomas E. Cause, Assistant District Director for Business Development, U.S. Small Business Administration, 1111 18th Street, NW., Room 403,

Washington, DC 20036, phone (202) 634-7839.

Dated: November 13, 1989.
 Jean M. Nowak,
Director, Office of Advisory Councils.
 [FR Doc. 89-27122 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

Senior Executive Service Performance Review Board; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Boards.

SUMMARY: Section 4314(c)(4) of title 5, U.S.C. requires Federal agencies publish notification of the appointment of individuals who serve as members of that Agency's Performance Review Boards (PRB). The following is a listing of those individuals currently serving as members of this Agency's PRB:

1. William S. Becker, Associate Deputy Administrator for Special Programs.
2. Michael P. Forbes, Assistant Administrator for Congressional & Legislative Affairs.
3. Catherine B. Killian, Regional Administrator, Philadelphia.
4. David R. Kohler, Associate General Counsel for General Law.
5. Robert G. Lineberry, Deputy Associate Administrator for Investment.
6. Erline M. Patrick, Associate Administrator for Minority Small Business and Capital Ownership Development.
7. Frank M. Ramos, Associate Deputy Administrator for Management & Administration.
8. M. Hawley Smith, District Director, Los Angeles.
9. Richard L. Osbourn, Director of Personnel (non-voting technical advisor).
10. George H. Robinson, Director of Equal Employment Opportunity & Compliance (non-voting equal opportunity advisor).
11. John J. Connors, Deputy Inspector General, Department of Housing and Urban Development.
12. Michael R. Hill, Assistant Inspector General for Audit Policy and Oversight, Department of Defense.
13. Gene Richardson, Assistant Inspector General for Investigations, Agency for International Development.

Dated: November 8, 1989.
 Susan Engleiter,
Administrator.

[FR Doc. 89-27125 Filed 11-17-89; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended November 9, 1989**

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 46592.

Date filed: November 6, 1989.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 4, 1989.

Description: Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Act, applies for a certificate of public convenience and necessity authorizing service between Chicago, Illinois, and Tokyo, Japan.

Docket Number: 46594.

Date filed: November 6, 1989.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 4, 1989.

Description: Application of Pan American World Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations, applies for certificate authority to serve between Miami, Florida, on the one hand, and Madrid, Spain, on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-27135 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary**Reports, Forms, and Recordkeeping Requirements; Submittals to OMB on November 14, 1989**

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on November 14, 1989, to the Office of Management and Budget

(OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M-34, Office of the secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone, (202) 366-4735, or Edward Clarke, or Wayne Brough, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:**Background**

Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the *Federal Register* listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on November 14, 1989.

DOT No: 3290

OMB No: 2120-0003

Administration: Federal Aviation Administration

Title: Malfunction or Defect Report

Need for Information: The collection of information is necessary to determine

inservice performance of aeronautical products. (See use of information.)

Proposed Use of Information: Collection of this information is used by the FAA to evaluate its certification standards, maintenance programs, and regulatory requirements since their effectiveness is reflected in the number of equipment failures or the lack thereof. It is also the basis for issuance of Airworthiness Directives designed to prevent unsafe conditions and accidents.

Frequency: On Occasion

Burden Estimate: 2,590 hours annually

Respondents: Repair stations certificated under Part 145, and air taxi operators.

Form(s): FAA Form 8010-4

Average reporting time: 18 minutes

DOT No: 3291

OMB No: New

Administration: Federal Aviation Administration

Title: General Aviation Pilot and Aircraft Activity Survey

Need for Information: The knowledge obtained in these surveys is needed to provide the agency with information about current general aviation pilot and aircraft activities.

Proposed Use of Information: Data collected will be used in:

- Forecasting General Aviation operations
- Evaluating the Agency's Flight Service modernization program
- Performing environmental impact studies
- Evaluating the flight impact of pilots
- Reviewing the needs of airport development
- Local planning and community development
- Safety analysis

Frequency: Triennial

Burden Estimate: 1,000 hours

Respondents: General Aviation Pilots

Form(s): FAA Form 1800-OT

Average Burden Hours Per Response: 12 minutes

DOT No.: 3292

OMB No.: 2105-0522

Administration: Office of the Secretary

Title: Drug Testing Custody and Control Form

Need for Information: Forensic drug testing required under EO 12564

Proposed Use of Information: This information is needed to identify the individuals; also tracking the sample through collection, transportation, testing, and back to the Medical Review Officer

Frequency: On use

Burden Estimate: 2,500 hours

Respondents: Government employees, collection and laboratory contractors

Form(s): One

Average Burden Hours Per Respondent: 5 minutes

DOT No.: 3293

OMB No.: New

Administration: Urban Mass

Transportation Administration

Title: Technical Activities Form

Need for Information: Data is needed to indicate how the planning process responds to identified goals, objectives, and policies of Congress and the Administration

Proposed Use of Information: Data is used by UMTA grantees to specify how funds are utilized for pre-defined work activities and on annual reports to Congress

Frequency: On occasion

Total Estimated Burden: 375

Respondents: State or local governments, Business or other for-profit

Form(s): None

Average Burden Per Response: 1 hour and 30 minutes

DOT No.: 3294

OMB No.: 2133-0506

Administration: Maritime Administration

Title: Merchant Marine Medals and Awards

Need for Information: To document request from the Public for various Merchant Marine Medals and Awards

Proposed Use of Information: To assist in processing and verifying requests for seamen's medals and awards

Frequency: On occasion

Burden Estimate: 2400 hours

Respondents: Individuals

Form(s): None

Average Burden Hours Per Respondent: 1 hour

DOT No.: 3295

OMB No.: 2115-0120

Administration: U.S. Coast Guard

Title: Transfer Procedures, Waste Management Plans

Need for Information: This information collection requirement is needed to ensure that the provisions concerning oil, hazardous materials and waste transfer procedures are complied with as required by the Port and Tanker Safety Act

Proposed Use of Information: Coast Guard uses this information to insure that equipment, methods and procedures to prevent discharges of oil and hazardous materials from vessels, onshore generated aboard the vessel must comply with established regulations

Frequency: On occasion

Burden Estimate: 444,074

Respondents: Vessels and facilities owners/operators

Form(s): N/A

Average Burden Hours Per Respondent: 9 hours

DOT No.: 3296

OMB No.: 2127-0002

Administration: National Highway

Traffic Safety Administration

Title: Motor Vehicle Importation

Need for Information: To aid importers of foreign made vehicles import cars that do not comply with FMVSS

Proposed Use of Information: These forms are required to implement Title 49 CFR Parts 591, 592, 593 and 594, Regulations for Motor Vehicle Importation which requires an imported vehicle to conform to applicable FMVSS, or to be brought into conformance within 120 days of importation

Frequency: On occasion

Burden Estimate: 25,432 burden hours

Respondents: Importers

Form(s): HS-7, 474, 475 and the Instruction Handbook

Average Burden Hours Per Respondent:

Recordkeeping: HS-7 - 5 minutes, Instruction handbook - 4 hours, HS-474 - 6 minutes, HS-475 - 18 minutes, Format 1 hour

Issued in Washington, DC on November 14, 1989.

Robert J. Woods,

Director of Information, Resource Management.

[FR Doc. 89-27134 Filed 11-17-89; 8:45 am]

BILLING CODE: 4910-13-M

Federal Aviation Administration

Meetings: Aviation Security Advisory Committee

AGENCY: Federal Aviation Administration.

ACTION: Notice of Aviation Security Advisory Committee meeting.

SUMMARY: Notice is hereby given of the second meeting of the Aviation Security Advisory Committee.

DATE: The meeting will be held December 13, 1989, from 9 a.m. to 1 p.m.

ADDRESS: The meeting will be held at the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-9863.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held

December 13, 1989, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting is as follows: A review of the first committee meeting held October 20, 1989. A discussion of previously discussed and newly submitted items as they relate to designation of subcommittees by topical areas. A decision concerning subcommittee topics and membership.

Attendance at the December 13 meeting is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-9863.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on November 9, 1989.

Raymond A. Salazar,

Director of Civil Aviation Security.

[FR Doc. 89-27163 Filed 11-17-89; 8:45 am]

BILLING CODE: 4910-13-M

Federal Railroad Administration

[RSGM-88-29]

Public Hearing; Herzog Contracting Corp.

The Herzog Contracting Corporation has petitioned the Federal Railroad Administration (FRA) seeking a permanent waiver of compliance from certain provisions of the Safety Glazing Standards (49 CFR part 223), for mobile railcar mover equipment, including the Switchmaster Model 10,000 and Trackmobile Model 95TM, now leased to various railroads. This proceeding is identified as FRA Railroad Safety Glazing Standard Number RSGM-88-29.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this petition.

Accordingly a public hearing is hereby set for 10 a.m. on December 12, 1989, in Room 4234 of the Nassif Building located at 400 7th Street, SW., in Washington DC.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of

Practice (49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on November 14, 1989.

J.W. Walsh,
Associate Administrator for Safety.

[FR Doc. 89-27199 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket Nos. PB-89-4 and SA-89-8]

Burlington Northern Railroad; Public Hearing

The Burlington Northern Railroad (BN) has petitioned the Federal Railroad Administration (FRA) for waivers of compliance with certain provisions of the Railroad Power Brakes Regulation, 49 CFR part 232, and the Safety Appliance Standards, 49 CFR part 231, to the extent that it be permitted to operate RoadRailer units over its railroad commingled in trains behind double-stack container cars. These proceedings are identified as FRA Waiver Petition Docket Nos. PB-89-4 and SA-89-8, respectively. See original notice of waiver petitions at 54 FR 32415-32416 (Aug. 7, 1989).

The BN seeks this relief in order to successfully introduce a cost effective RoadRailer service on the BN; to develop a price competitive RoadRailer service for all shippers of general

commodities (domestic as well as international); to continue to develop RoadRailer technology and its potential in the market place; and to provide an efficient shipper oriented operation by the integration of two innovative and market effective technologies (double-stack cars and RoadRailers).

After examining the carrier's proposals, documentation, and all other available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this petition.

Accordingly, a public hearing is hereby set for 10 am on February 6, 1990, in room 401, Courtroom No. 7 of the U.S. Court House located at 811 Grand Avenue in Kansas City, Missouri.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been considered, those persons wishing to make brief rebuttal statement will be given an opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on November 13, 1989.

J. W. Walsh,
Associate Administrator for Safety.

[FR Doc. 89-27136 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

Values for War Risk Insurance

AGENCY: Maritime Administration, DOT.

ACTION: Determination of Ship Values for War Risk Insurance, effective July 1, 1989.

SUMMARY: Pursuant to the procedure stated at 46 CFR 309.1, the required

biannual notice is hereby given of the stated valuations of individual vessels upon which interim binders for war risk hull insurance have been issued. The valuations set forth herein constitute just compensation for the vessels to which they apply, and have been computed in accordance with sections 902(b) and 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1242(b), and 1289(a)(2)). The authority to make these vessel valuations was delegated to the Maritime Administrator by the Secretary of Transportation by DOT Order 1100.60 (August 6, 1981). Such stated valuations apply to vessels covered by interim binders for war risk hull insurance, Form MA-184, prescribed by 46 CFR part 308. In accordance with Public Law 99-59, authority to issue such war risk insurance will expire on June 30, 1990.

The interim binders listed below shall be deemed to have been amended as of July 1, 1989, by inserting in the space provided therefore, or in substitution for any value appearing in such space, the stated valuations of the respective vessels that appear on the list. Such stated valuations shall apply with respect to insurance attached during the period July 1, 1989 to December 31, 1989 inclusive, subject to reservation by the Maritime Administration of the right to revise the values assigned herein. The assured shall have the right, within 60 days after the date of publication of this notice, or within 60 days after the attachment of the insurance under the interim binder to which a specific valuation applies, whichever date is later, to reject such valuation and proceed as authorized by 46 App. U.S.C. 1289(a)(2).

(Catalog of Federal Domestic Assistance Program No. 20.803 War Risk Insurance)

By Order of the Maritime Administrator.

Dated: November 14, 1989.

Joel C. Richard,
Assistant Secretary.

FEDERAL REGISTER LIST OF SHIP VALUATIONS

Binder	Official	Vessel Name	Valuation
3721	680897	1st Lt. Alex Bonnyman	(1)
3886	668348	Adabelle Lykes	\$5,900,000
3344	533270	Admiralty Bay	9,000,000
3659	653691	Adonis	9,400,000
3537	513704	Alison C.	1,550,000
3511	3046	Alpha Sea	6,000,000
2764	523846	America Sun	9,000,000
3360	577343	American Heritage	4,500,000
3648	612715	American Resolute	13,000,000
3642	517617	American Trojan	2,335,000
3495	614544	Arco Alaska	27,500,000
3048	548424	Arco Anchorage	17,500,000
3518	623291	Arco California	27,500,000
3194	559400	Arco Fairbanks	17,500,000

FEDERAL REGISTER LIST OF SHIP VALUATIONS—Continued

Binder	Official	Vessel Name	Valuation
3604	586633	Arco Independence	40,000,000
3142	556666	Arco Juneau	17,500,000
2900	536496	Arco Prudhoe Bay	8,100,000
2948	539313	Arco Sag River	8,100,000
3605	580245	Arco Spirit	40,000,000
3591	549197	Arco Texas	13,000,000
3469	601377	Argonaut	13,000,000
1716	292191	Ashley Lykes	2,055,000
3345	535357	Aspen	9,000,000
3608	646348	Atlanta Bay	5,200,000
3337	530141	Austral Rainbow	6,000,000
3510	3234	Baltimore Sea	6,500,000
3464	600128	Bay Ridge	26,000,000
3357	572359	Beaver State	4,500,000
3315	582451	Biehl Trader	3,900,000
3316	584627	Biehl Traveler	3,900,000
3628	633428	Blue Ridge	28,300,000
3623	543461	CG-461	12,000
3624	543481	CG-481	12,000
3685	668349	Charlotte Lykes	5,900,000
3215	562416	Chelsea	3,000,000
3144	557503	Cherry Valley	3,000,000
3724	689194	Chesapeake Bay	28,500,000
3286	577738	Chestnut Hill	4,500,000
3394	588320	Chevron Arizona	8,500,000
2985	541563	Chevron California	8,100,000
3308	577358	Chevron Colorado	8,500,000
3372	584696	Chevron Louisiana	8,500,000
2992	542850	Chevron Mississippi	8,100,000
3309	566080	Chevron Oregon	8,500,000
3310	570709	Chevron Washington	8,500,000
3626	638709	Coast Range	8,500,000
3590	280243	Coho	28,300,000
3654	648470	Columbia Bay	3,000,000
3528	590414	Cornucopia	5,200,000
3749	578746	Courier	20,500,000
3704	279938	Cove Leader	8,000,000
3702	644295	Cove Liberty	4,500,000
370	279438	Cove Trader	4,500,000
3722	671969	Cpl Louis J. Hauge	4,000,000
3544	632750	Cygnus	(1)
3725	689193	Delaware Bay	11,000,000
2806	528567	Edgar M. Queeny	28,500,000
2086	500702	Elizabeth Lykes	4,000,000
3658	657540	Energy Independence	1,850,000
2980	541414	Export Freedom	46,000,000
3065	548442	Export Patriot	6,500,000
2593	282272	Exxon Baltimore	6,500,000
3056	524619	Exxon Baton Rouge	4,000,000
3683	658495	Exxon Baytown	8,215,000
3465	600478	Exxon Benicia	75,500,000
3668	658493	Exxon Charleston	25,000,000
3412	588443	Exxon Galveston	66,000,000
2601	297151	Exxon Houston	2,500,000
2603	275519	Exxon Jamestown	6,000,000
3723	692967	Exxon Long Beach	3,400,000
2606	298216	Exxon New Orleans	95,000,000
3460	600477	Exxon North Slope	6,000,000
3057	526792	Exxon Philadelphia	25,000,000
3717	647470	Exxon Princeton	8,215,000
3058	523626	Exxon San Francisco	35,000,000
3716	692966	Exxon Valdez	8,215,000
2609	273896	Exxon Washington	95,000,000
3673	658494	Exxon Wilmington	3,400,000
3718	656742	Exxon Yorktown	66,675,000
3708	663105	Falcon Champion	35,000,000
3709	536850	Falcon Countess	18,000,000
3710	533611	Falcon Dutchess	6,000,000
3712	658555	Falcon Leader	6,000,000
3713	538811	Falcon Princess	18,000,000
3609	640014	Florida Bay	6,000,000
3540	514966	Freeport I	9,385,000
3541	516720	Freeport II	5,000,000
3538	292748	Gale B.	5,000,000
2421	513140	Genevieve Lykes	1,385,000
3610	643069	Georgia Bay	1,850,000
3346	526588	Glacier Bay	8,080,000
3729	561433	Golden Endeavor	9,000,000
2791	526972	Golden Gate	4,500,000
3512	566090	Golden Monarch	6,870,000
			4,500,000

FEDERAL REGISTER LIST OF SHIP VALUATIONS—Continued

Binder	Official	Vessel Name	Valuation
3739	650771	Great Lakes.....	7,200,000
3783	907989	Green Bay.....	17,000,000
3784	561453	Green Harbour.....	9,000,000
3780	562594	Green Island.....	9,000,000
3787	907990	Green Lake.....	19,500,000
3790	934702	Green Ridge.....	7,700,000
3777	559623	Green Valley.....	9,000,000
3788	677648	Green Wave.....	7,700,000
3745	684689	Gus W. Darnell.....	(¹)
387	280564	James Lykes.....	2,000,000
1304	287103	Jean Lykes.....	2,000,000
3366	500799	Joe Sevier.....	310,000
389	282772	John Lykes.....	2,000,000
390	281326	Joseph Lykes.....	2,000,000
3491	621042	Kauai.....	41,400,000
598	266730	Keystoner.....	2,150,000
3287	579572	Kittanning.....	4,500,000
3746	684692	Lawrence H. Gianella.....	(¹)
3622	550598	LB-726.....	12,000
3623	550599	LB-727.....	12,000
1352	287416	Leslie Lykes.....	2,000,000
2403	512187	Lettitia Lykes.....	1,850,000
2062	299938	Louise Lykes.....	1,850,000
3546	632749	Lyra.....	11,000,000
3730	2774	M.P. Grace.....	4,000,000
3701	655330	Maj Stephen W. Pless.....	(¹)
2763	524219	Manukai.....	13,000,000
2803	528400	Manulani.....	13,000,000
3492	618705	Maoi.....	625,000
3687	668347	Margaret Lykes.....	5,900,000
2814	529399	Marine Chemist.....	4,500,000
2777	245851	Marine Duval.....	3,485,000
2133	246836	Marine Floridian.....	3,485,000
1513	289873	Marjorie Lykes.....	2,055,000
3539	299786	Martha B.....	2,550,000
3415	591709	Maul.....	33,640,000
2109	246343	Maunalei.....	2,000,000
3740	650770	Michigan.....	4,630,000
3152	542026	Mobil Arctic.....	17,500,000
2442	286479	Mobil Meridian.....	4,000,000
3301	578288	Mormacsky.....	3,145,000
3302	569257	Mormacstar.....	3,145,000
3303	573770	Mormacsun.....	3,145,000
1243	286650	Nancy Lykes.....	2,000,000
3656	628783	New York Sun.....	22,400,000
3802	8093	Ocean Challenger.....	24,000,000
3801	8042	Ocean Conqueror.....	24,000,000
3804	8197	Ocean Explorer.....	35,000,000
3805	8259	Ocean Navigator.....	35,000,000
3803	8157	Ocean Victor.....	21,000,000
3508	5886	Ocean Voyager.....	10,140,000
2745	523341	Omi Champion.....	7,000,000
3470	522864	Omi Charger.....	7,000,000
3576	638899	Omi Dynachem.....	34,500,000
3577	642151	Omi Hudson.....	34,500,000
3471	520839	Omi Leader.....	7,000,000
2614	520728	Omi Wabash.....	7,000,000
2591	518738	Omi Willamette.....	7,000,000
2827	529795	Overseas Alaska.....	6,870,000
3672	514928	Overseas Alice.....	6,455,000
2862	530877	Overseas Arctic.....	6,870,000
3535	630050	Overseas Boston.....	18,600,000
3378	583412	Overseas Chicago.....	13,500,000
3409	590624	Overseas Harriette.....	5,950,000
3533	553137	Overseas Juneau.....	17,500,000
3406	590623	Overseas Marilyn.....	5,950,000
3386	588001	Overseas New York.....	13,500,000
3383	586647	Overseas Ohio.....	6,455,000
3671	517186	Overseas Valdez.....	6,455,000
3480	518125	Overseas Vivian.....	6,455,000
3399	588955	Overseas Washington.....	13,500,000
3747	571049	Patriot.....	8,000,000
3742	684888	Paul Buck.....	(¹)
3700	641084	PFC Eugene A. Obregon.....	(¹)
3719	679513	PFC James Anderson, Jr.....	(¹)
3741	674269	PFC William B. Baugh.....	(¹)
3655	638073	Philadelphia Sun.....	22,400,000
2501	517120	President Adams.....	5,200,000
3690	673003	President Eisenhower.....	25,000,000
3689	674310	President F.D. Roosevelt.....	25,000,000

FEDERAL REGISTER LIST OF SHIP VALUATIONS—Continued

Binder	Official	Vessel Name	Valuation
3483	530138	President Grant	12,000,000
3726	530139	President Harrison	12,000,000
3485	530137	President Hoover	12,000,000
3030	544900	President Jefferson	6,000,000
3121	552109	President Johnson	6,000,000
1947	296779	President Kennedy	2,955,000
3041	546725	President Madison	6,000,000
3678	655397	President Monroe	27,500,000
3120	552108	President Pierce	6,000,000
2398	511653	President Taft	3,150,000
3484	530140	President Tyler	12,000,000
3679	653424	President Washington	27,500,000
3705	634621	Pride of Texas	11,000,000
3398	570108	Prince William Sound	17,500,000
3720	684591	PVT Harry Fisher	(¹)
3748	573810	Ranger	8,000,000
3743	684691	Richard G. Mathiesen	(¹)
3607	644241	Richmond Bay	5,200,000
3147	557033	Robert E. Lee	9,000,000
3779	519102	Rover	8,500,000
3750	577241	Rover	8,000,000
2162	502928	Ruth Lykes	1,850,000
3179	559035	Sam Houston	9,000,000
3744	684690	Samuel L. Cobb	(¹)
2918	535020	Sansinena II	8,100,000
3423	504015	Santa Adela	1,850,000
2752	502726	Santa Juana	1,850,000
3731	1876	Sasstown	1,975,000
3734	3459	Savannah Sea	6,500,000
3776	569153	Sea Cat	155,000
3786	588561	Sea Horse	155,000
3781	557400	Sea Lion	155,000
3782	530856	Sea Mule	155,000
3778	555604	Sea Ox	155,000
3785	565697	Sea Tiger	155,000
3453	594073	Sea-Land Adventure	8,200,000
3100	552818	Sea-Land Consumer	10,000,000
3488	604246	Sea-Land Defender	21,000,000
3513	604247	Sea-Land Developer	21,000,000
3534	606062	Sea-Land Endurance	21,000,000
3489	604248	Sea-Land Explorer	21,000,000
3514	604249	Sea-Land Express	21,000,000
3527	606065	Sea-Land Freedom	21,000,000
3516	606061	Sea-Land Independence	21,000,000
3529	606064	Sea-Land Innovator	21,000,000
3451	594374	Sea-Land Leader	8,200,000
3487	604245	Sea-Land Liberator	21,000,000
3526	606066	Sea-Land Mariner	21,000,000
3450	593980	Sea-Land Pacer	8,200,000
3486	604244	Sea-Land Patriot	21,000,000
3452	594375	Sea-Land Pioneer	8,200,000
3131	552819	Sea-Land Producer	10,000,000
3517	606063	Sea-Land Voyager	21,000,000
3699	641083	SGT. Matej Kocak	(¹)
3688	668350	Sheldon Lykes	5,900,000
3627	641804	Sierra Madre	28,300,000
3611	645759	South Carolina Bay	9,200,000
3707	653210	Spirit of Texas	11,000,000
3706	642934	Star of Texas	11,000,000
3148	557034	Stonewall Jackson	9,000,000
3413	584459	Stuyvesant	26,000,000
233	277623	Syossat	3,500,000
3606	640635	Tallahassee Bay	5,200,000
3507	3460	Texas City Sea	6,500,000
2927	283897	Texas Sun	4,000,000
3536	516158	Theresa F.	1,550,000
405	283413	Thompson Lykes	2,000,000
3732	1778	Timbo	1,975,000
3657	275583	Tropic Sun	2,960,000
3727	550200	Ultramar	7,000,000
3728	555146	Utrasea	7,000,000
2270	505786	Valley Forge	6,175,000
3652	642492	Virginia Bay	9,385,000
3361	551001	WA-1-0001	12,000
3362	567451	WA-2-0451	17,000
3621	608713	WA-3-0576	23,000
3622	608714	WA-3-0577	23,000
3735	3233	Yorktown Sea	6,500,000
411	282126	Zoella Lykes	2,000,000

¹ "Casualty" value as defined and determined by each individual MSC charter agreement.

**Change of Name of Approved Trustee;
Mercantile Bank National Association,
St. Louis, MO**

Notice is hereby given that effective September 29, 1989, Mercantile Bank National Association, St. Louis, Missouri, changed its name to Mercantile Bank of St. Louis National Association.

Dated: November 14, 1989.
By Order of the Maritime Administrator.
James E. Saari,
Secretary.

[FR Doc. 89-27128 Filed 11-17-89; 8:45 am]
BILLING CODE 4910-81-M

**National Highway Traffic Safety
Administration**

[Docket No. IP 89-10; Notice 1]

**Goodyear Tire & Rubber Company;
Receipt of Petition for Determination
of Inconsequential Noncompliance**

Goodyear Tire & Rubber Company (Goodyear), of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for apparent noncompliance with 49 CFR 571.109, Federal Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3.5 of Federal Motor Vehicle Safety Standard No. 109, requires the maximum inflation pressure to be molded into or onto both sidewalls, in letters and numerals not less than $\frac{1}{2}$ inch high. During the period September 1987 through October 1989, Goodyear manufactured and shipped 280,000 T105/70D14 Convenience Spare tires that do not comply with FMVSS No. 109. These tires were marked with the correct information but the lettering height was .394 inch (10mm) instead of the required $\frac{1}{2}$ inch. Goodyear supports its petition with the following:

(1) The lettering is legible and prominent and while it is .10 less in height than the required minimum for this particular information, it is still five times larger than the .078 inch minimum height for other information required to be labelled on the sidewall of tires.

(2) The stamping was correct except for its size, and the stamping has no effect on the tire performance or safety.

Interested persons are invited to submit written data, views and arguments on the petition of Goodyear, described above. Comments should refer to the Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: December 20, 1989.

[Sec. 102 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8]

Issued on November 15, 1989.

Barry Felice,
Associate Administrator for Rulemaking.
[FR Doc. 89-27208 Filed 11-17-89; 8:45 am]
BILLING CODE 4910-59-M

**Research and Special Programs
Administration**

[Notice No. 89-9]

**Availability of Proposed Changes to
the International Atomic Energy
Agency Regulations and Request for
Public Comment**

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of availability and request for comment.

SUMMARY: The International Atomic Energy Agency's (IAEA) proposed Changes of Detail to IAEA Safety Series No. 6, entitled "Regulations for the Safe Transport of Radioactive Materials," are available for public review and comment. Any future changes to IAEA's Safety Series No. 6 may affect the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180).

DATE: Comments should be received by December 29, 1989.

ADDRESS: The IAEA's proposed changes are available for review in the Dockets Unit, Office of Hazardous Materials

Transportation, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, Room 8421, 8:30-5:00, Monday through Friday.

Additionally, comments on the proposed changes should be addressed to the Dockets Unit at the same address.

FOR FURTHER INFORMATION CONTACT:

Michael E. Wangler, Chief, Radioactive Materials Branch, Technical Division, Office of Hazardous Materials Transportation, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 368-4545.

SUPPLEMENTARY INFORMATION: Many countries and international transport organizations throughout the world have adopted the standards of the IAEA's "Regulations for the Safe Transport of Radioactive Materials" (IAEA Regulations). These regulations are currently found in IAEA publication Safety Series No. 6, 1985 Edition (SS6-85). Section 171.12(e) of 49 CFR permits the import and export of radioactive materials, under certain conditions, if packages are prepared for shipment in accordance with the IAEA Regulations. Currently, § 171.21(e) references Safety Series No. 6, 1973 Revised Edition (As Amended). However, the HMR are periodically amended to allow conformance with most of the IAEA Regulations for domestic transportation. It is anticipated that the HMR will be amended to require conformance with SS6-85 by July 1, 1990. Thus any changes to SS6-85 may affect the HMR.

The IAEA has instituted a new process for the continuing review and revision of its regulations. This process will lead to supplements to the IAEA Regulations and its supportive documents being issued every 2 years, thereby allowing the IAEA Regulations to remain current with technology and needs.

As part of this process the IAEA convened a Technical Committee meeting from July 10-14, 1989, to consider proposals for amendments and identified problems submitted by IAEA Member States and international organizations in connection with the IAEA Regulations. Additionally, the Technical Committee considered advice and reports developed by consultant groups examining specific aspects of the regulatory standards for transport. The Technical Committee was charged with the tasks of examining the justifications for the proposed amendments and of recommending changes suitable for early adoption in the IAEA Regulations. To ensure that Member States were represented, the Technical Committee

consisted of designated representatives of the Member States.

As a result of the meeting, the Technical Committee recommended 2 types of changes: (1) Those that were designated as "minor changes" that do not alter the substance of the IAEA Regulations; (2) those that were designated as "Changes of Detail." Minor changes comprise matters such as editorial corrections, drafting errors and internal consistencies. The consequent amendment to the IAEA's Regulations for this type of change will be promulgated in due course without the prior approval of Member States. Changes of Detail are considered to be essential by the IAEA to keep their Regulations current. These changes can only be promulgated by the Director General of the IAEA after giving Member States not less than 90 days notice to comment on the changes.

The Director General of the IAEA has invoked the 90 day notice procedure and has transmitted the changes to the U.S. and other Member States. Since amendments of the IAEA Regulations may have an effect on the HMR, the public is invited to review the changes and to submit comments on the proposed changes. To facilitate this process, a copy of the changes has been placed in RSPA's Docket Unit for use by the public. Copies of the proposed changes may be obtained upon request to the Dockets Unit. Comments submitted by the public will be considered and incorporated into the U.S. response to the changes.

Issued in Washington, DC on November 15, 1989, under authority delegated in 49 CFR part 106, Appendix A.

Alan L. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 89-27202 Filed 11-17-89; 8:45 am]

BILLING CODE 4910-60-M

UNITED STATES INFORMATION AGENCY

Performance Review Board Members

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: This Notice is issued to revise the membership of the United States Information Agency (USIA) Performance Review Board.

DATE: Upon Publication.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Hoxie (Co-Executive Secretary), Chief, Domestic Personnel Division, Office of Personnel, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, Tel: (202) 485-2617;

or

Ms. Johnnie Lindahl (Co-Executive Secretary), Deputy Director, Office of Personnel, Voice of America, U.S. Information Agency, 330 Independence Avenue, SW., Washington, DC 20547, Tel: (202) 485-8063.

SUPPLEMENTARY INFORMATION: In accordance with section 4314(c) (1)

through (5) of the Civil Service Reform Act of 1978 (P.L. 95454), the following list supersedes the U.S. Information Agency Notice (53 FR 36388, September 19, 1988).

Chairperson: Associate Director for Management—Henry E. Hockheimer (Presidential Appointee).

Deputy Chairperson: Director, Voice of America—Richard Carlson (Presidential Appointee).

Career SES Members:

Janice Brambilla, Director, Office of Personnel, Voice of America;

Edward DeFontaine, Director for Broadcast Operations, Voice of America;

Walter La Fleur, Director, Office of Engineering and Technical Operations, Voice of America;

William K. Jones, Director, Exhibit Service;

Harlan Rosacker, Director, Office of Personnel;

R. Wallace Stuart, Deputy General Counsel.

Alternate Career SES Members:

Donald J. Cuozzo, Worldnet Production Manager, Television and Film Service;

Alan Heil, Deputy Director for Programs, Voice of America.

This supersedes the previous U.S. Information Agency Notice (53 FR 36388, September 19, 1988).

Henry E. Hockheimer,

Associate Director for Management, U.S. Information Agency.

[FR Doc. 89-27142 Filed 11-17-89; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 222

Monday, November 20, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: November 14, 1989, 54 FR 47446.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: November 15, 1989, 10:00 a.m.

CHANGE IN THE MEETING: The Commission Meeting scheduled for November 15, 1989, at 10:00 a.m., has been cancelled.

Lois D. Casheil,
Secretary.

[FR Doc. 89-27387 Filed 11-16-89; 11:26 am]

BILLING CODE 6717-02-M

TENNESSEE VALLEY AUTHORITY

TIME AND DATE OF MEETING: 10 a.m. (EST) Thursday, November 16, 1989.

PLACE OF MEETING: Tennessee Valley Authority (TVA), Knoxville Office Complex, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Items

A—Budget and Financing

1. Proposed Supplemental Resolution authorizing Tennessee Valley Authority Power Bonds.

2. Proposed resolution authorizing Chairman and certain Tennessee Valley Authority Officers to take further actions relating to issuance and sale of Power Bonds.

SUPPLEMENTARY INFORMATION: The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that a meeting be called at the time set out above and that no earlier announcement of this meeting was possible.

CONTACT PERSON FOR MORE INFORMATION

INFORMATION: Alan Carmichael, Manager, Public Affairs, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000 or 632-6000, Knoxville, Tennessee. Information is also available

at TVA's Washington Office, (202) 479-4412.

William L. Osteen, Jr.

Assistant Secretary and Associate General Counsel.

[FR Doc. 89-27292 Filed 11-16-89; 11:26 am]

BILLING CODE 8120-01-M

TENNESSEE VALLEY AUTHORITY

(Meeting No. 1424)

TIME AND DATE: 10 a.m. (EST). November 22, 1989.

PLACE: TVA Chattanooga Office Complex Auditorium, 1101 Market Street, Chattanooga, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on October 17 and 18, 1989.

Action Items

Old Business

*1. Purchase Agreement with the Federal Financing Bank Covering Arrangements for Short-term Power Bond Financing.

*2. Supplemental Resolution Authorizing Tennessee Valley Authority Power Bonds First Short-term Series.

*3. Resolution Authorizing Chairman and Certain Tennessee Valley Authority Officers to Take Further Actions Relating to the Arrangements with the Federal Financing Bank.

New Business

A—Budget and Financing

Al. Fiscal Year 1989 Financial Statements (Unaudited).

B—Purchase Awards

*B1. Proposal RH-19054A-01—Integrated Computer System for Browns Ferry Nuclear Plant Unit 2.

B2. Requisition 76—Short-term Coal for Colbert Fossil Plant and Requisition 78—Short-term Coal for Johnsonville Fossil Plant

B3. Proposal YE-44983B-01—Indefinite Quantity Term Contract for Nuclear Plant Radio Systems for All TVA Nuclear Facilities.

B4. Negotiation GA-77750A—Waterwall Panels for Bull Run Fossil Plant.

B5. Proposal QC-00034B—Indefinite Quantity Term Agreement for Copy Paper—Office Products Services.

E—Real Property Transactions

E1. Sale of Excess Property Affecting Approximately 4.125 Acres of Fabius Coal Mining Land in Jackson County, Alabama

E2. Abandonment of Easement Affecting Approximately 1.2 Acres Located near Franklin, Tennessee.

E3. Sale of Permanent Easement Affecting Approximately 0.26 Acre of the Land of North Tullahoma and Northern Field Substations Located in Coffee County, Tennessee.

E4. Proposed 30-Year Term Easement Affecting Approximately 6.88 Acres of Wheeler Reservoir Land in Limestone County, Alabama.

E5. Proposed Deed Modification Affecting Approximately 12 Acres of Chickamauga Reservoir Land in Hamilton County, Tennessee.

F—Unclassified

*F1. Performance Increases for Employees on the Manager and Specialist Salary Schedule.

*F2. Revision to Pay Rates for Excluded Positions.

*F3. Recommendations Resulting from the Thirty-seventh Salary Policy Negotiations.

F4. Resolution Approving the Filing of Condemnation Cases.

F5. Exercise of Option to Contract No. TV-74577A with Coopers & Lybrand for Fiscal Year 1990 Audit Services.

F6. Relocation Expense Reimbursement for New Appointees and Reimbursement of Travel Expenses Incurred by New Appointees When Traveling on Behalf of TVA Prior to Date of Appointment—Management and Specialist Positions.

F7. Supplements to 12 Performance Based Task Contracts.

F8. Nickajack Reservoir Land Management Plan.

F9. Chickamauga Reservoir Land Management Plan.

F10. Agreement with Consolidated Communications Corporation for Fiber Optic Ground Wire with Guntersville-Fultondale 115-kV Transmission Line.

CONTACT PERSON FOR MORE INFORMATION

INFORMATION: Alan Carmichael, Manager of Public Affairs, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: November 15, 1989.

Edward S. Christenbury,

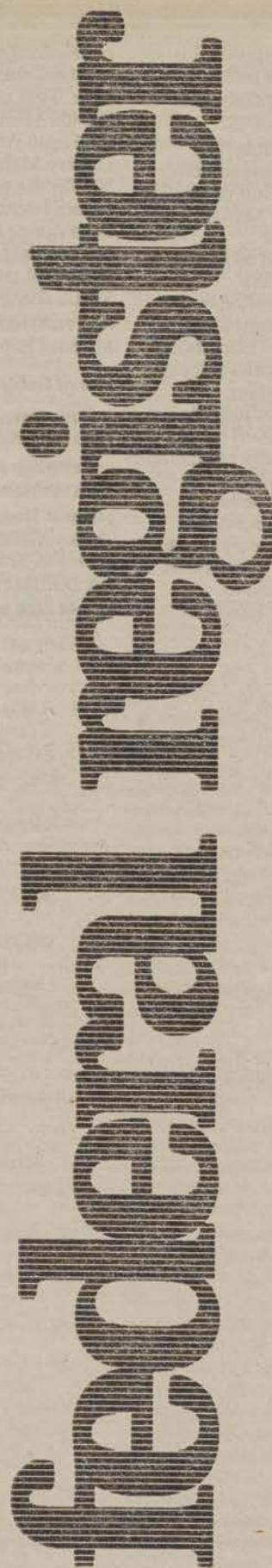
General Counsel and Secretary

[FR Doc. 89-27293 Filed 11-16-89; 11:26 am]

BILLING CODE 8120-01-M

*Item approved by individual Board members. This would give formal ratification to the Board's action.

Monday
November 20, 1989



Part II

**Department of
Commerce**

National Oceanic and Atmospheric
Administration

50 CFR Part 640
Spiny Lobster Fishery of the Gulf of
Mexico and South Atlantic; Proposed rule
and Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 640**

[Docket No. 90893-9193]

RIN: 0648-AC29

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Withdrawal of proposed regulations.

SUMMARY: NOAA withdraws from review the proposed regulations to implement Amendment 2 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). While NOAA has approved Amendment 2 to the FMP, it has concluded that the proposed regulations are not needed to implement

the amendment. Notice of approval is published elsewhere in this issue.

FOR FURTHER INFORMATION CONTACT:
Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery is managed under the FMP, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act. Amendment 2 to the FMP was submitted by the Councils on July 19, 1989. A notice of availability of the amendment and request for comments was published on July 26, 1989 (54 FR 31063). A proposed rule to implement Amendment 2 was published on August 24, 1989 (54 FR 35212).

Amendment 2 has been approved. However, NOAA has concluded that regulatory language is not necessary to implement the amendment's procedure for the future implementation of specified types of gear and harvest

restrictions applicable to the spiny lobster fishery in the exclusive economic zone. That procedure applies only to the Florida Marine Fisheries Commission, the South Atlantic and Gulf of Mexico Fishery Management Councils, and NMFS; the procedure is not regulatory in nature because it does not control the behavior or activities of fishermen. Accordingly, the proposed amendments to 50 CFR part 640 published in 54 FR 35212, August 24, 1989, are withdrawn.

FOR FURTHER INFORMATION CONTACT:
Michael E. Justen, 813-893-3722.**List of Subjects in 50 CFR Part 640**

Fisheries, Fishing, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 14, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator For
Fisheries, National Marine Fisheries Service

[FR Doc. 89-27141 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[Docket No. 90893-9248]

RIN 0648-AC29

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Notice of approval of an amendment to a fishery management plan.

SUMMARY: NOAA announces approval of Amendment 2 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). Amendment 2 establishes a regulatory amendment procedure for the future implementation of specified types of gear and harvest restrictions applicable to the fishery in the exclusive economic zone (EEZ) and makes other minor changes to the FMP. The intended effects of the procedure are to provide a more flexible and timely system implementing rules governing the conduct of the spiny lobster fishery, enhance cooperative Florida (State)/Federal management, reduce Federal management costs, improve the effectiveness of necessary rules, and presumably increase productivity from the resource.

EFFECTIVE DATE: Amendment 2 was approved on October 27, 1989.

FOR FURTHER INFORMATION CONTACT:

Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The spiny lobster fishery is managed under the FMP, prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR part 640, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Amendment 2 to the FMP was submitted by the Councils on July 19, 1989. A notice of availability of the amendment and request for comments was published on July 26, 1989 (54 FR 31063). A proposed rule to implement Amendment 2 was published on August 24, 1989 (54 FR 35212).

The FMP manages the spiny lobster fishery throughout the EEZ off the coastal states from the Virginia/North Carolina border south and through the Gulf of Mexico. The preamble to the proposed rule contained information on the fishery, discussed the proposed regulatory changes, and analyzed the benefits of the proposed changes. That information is not repeated here.

Comments and Responses

Four written responses were received commenting on the proposed rule and amendment. Two Federal agencies, the U.S. Coast Guard and the Department of Interior, Fish and Wildlife Service, recommended approval of Amendment 2. The Organized Fishermen of Florida (OFF), an organization that represents commercial fishermen, recommended that changes to the commercial gear and harvest restrictions be made by amendment of the FMP rather than by regulatory amendment initiated by the Florida Marine Fisheries Commission (FMFC). OFF does not believe that the FMFC has the capability to evaluate potential economic and social impacts of the critical measures in the detail required to meet the Federal requirements and does not allow ample and fair opportunity for public input into the State rulemaking process. A local chamber of commerce expressed concerns about the potential for adverse impacts resulting from future changes to the gear and harvest restrictions. NOAA disagrees with both concerns. Submission of proposed regulations addressing gear and harvest restrictions under the regulatory amendment process does not constitute automatic approval and implementation of such regulations in the EEZ. Supporting analyses prepared by the FMFC must meet the requirements of the Magnuson Act and other applicable Federal law before the proposed regulations can become effective in the EEZ. The public will have the same opportunity to comment on proposed gear and harvest restrictions, and to have those comments considered in NOAA's decision as to whether and in what form any proposed restrictions should be issued, as it does under all other proceedings carried out under the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553. Furthermore, the procedures established by Amendment 2 require that the FMFC also inform the Councils of each recommended rule and supporting analysis. If either Council determines that a rule is not consistent with the Magnuson Act or the FMP, and so informs the Regional Director, NOAA cannot proceed with rulemaking under Amendment 2 until the Council withdraws its objection.

Concomitant with the proposed regulatory amendment procedure for changing certain gear and harvest limitations, Amendment 2 also (1) amends and adds to the issues of the "Problems and Issues in the Fishery" identified in the FMP; (2) adds to the FMP a "Management Objective" to

provide for a more flexible management system that minimizes regulatory delay, thus assuring more effective, cooperative State and Federal management of the fishery; (3) modifies the statement of optimum yield to remove numerically specified minimum legal carapace and tail lengths, thus permitting modification of those lengths by the regulatory amendment process contained in Amendment 2; (4) adds a "Vessel Safety" section; and (5) updates the "Habitat of the Stocks" section. No comments were received on these changes and additions.

Based on the comments received, NOAA finds no basis for disapproval of the amendment.

Changes From the Proposed Rule

The proposed rule would have codified the procedure for the future implementation of specified types of gear and harvest restrictions applicable to the spiny lobster fishery in the EEZ. That procedure would apply only to the Florida Marine Fisheries Commission, the Councils, and NMFS but is not regulatory in nature because it does not control the behavior of fishermen. Accordingly, NOAA has concluded that regulatory language is not necessary to implement the procedure. NOAA chose to publish the procedure as a proposed rule as the most effective means of notifying persons who would be affected and obtaining public comments. Accordingly, while Amendment 2 has been approved, the proposed rule has been withdrawn, by a notice appearing elsewhere in this issue, in view of NOAA's conclusion that regulatory language is unnecessary.

Classification

The Secretary of Commerce determined that Amendment 2 is necessary for the conservation and management of the spiny lobster fishery and that it is consistent with the Magnuson Act and other applicable law.

The Councils prepared an environmental assessment (EA) for Amendment 2 and, based on the EA, the Assistant Administrator for Fisheries, NOAA, concluded that there will be no significant adverse impact on the human environment as a result of Amendment 2.

Since Amendment 2 has no implementing regulations, preparation of and conclusions based on a regulatory impact review (RIR)/regulatory flexibility analysis (RFA), normally required by E.O. 12291 and the Regulatory Flexibility Act, are not required. It should be noted, however, that each future action initiated under

the procedure established in Amendment 2 will be accompanied by an RIR and, if it will have a significant economic impact on a substantial number of small entities, an RFA will be prepared.

The Councils determined that Amendment 2 is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina. Georgia and Texas do not have approved coastal zone management programs. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. Florida, Louisiana,

North Carolina, Mississippi, and South Carolina agreed with the Councils' determination. Alabama did not comment within the statutory time period, and, therefore, consistency is automatically implied.

Amendment 2 does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Deputy Assistant Secretary of Commerce for Intergovernmental Affairs determined that Amendment 2 and the proposed rule had sufficient federalism implications to warrant preparation of a Federalism Assessment (FA). The FA concluded that Amendment 2 is consistent with the principles, criteria, and requirements of E.O. 12612 and will

reduce the governmental costs of managing the spiny lobster fishery in Florida's waters and the EEZ without increasing costs to the industry or consumers.

List of Subjects in 50 CFR Part 640

Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 14, 1989.

James E. Douglas, Jr.

*Deputy Assistant Administrator for Fisheries,
National Wildlife Fisheries Service.*

[FR Doc. 89-27140 Filed 11-17-89; 8:45 am]

BILLING CODE 3510-22-M

Monday
November 20, 1989

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 49, 75, and 77
Information Collection Requirements for
Mine Rescue, Self-Rescuer, Fire Drill, and
First-Aid Training for Supervisory
Employees; Proposed Rules

DEPARTMENT OF LABOR**Mine Safety and Health Administration****30 CFR Parts 49, 75, and 77**

RIN 1219-AA50

Information Collection Requirements for Mine Rescue, Self-Rescuer, Fire Drill, and First-Aid Training for Supervisory Employees**AGENCY:** Mine Safety and Health Administration.**ACTION:** Proposed rules.

SUMMARY: These proposed rules would reduce the information collection burden imposed by the Mine Safety and Health Administration (MSHA) on mine operators or other affected parties by revising reporting and recordkeeping requirements. In most cases, paperwork requirements would be replaced with certification provisions. Proposed for revision are the requirements for mine rescue equipment test and inspection records, records of fire drills, self-rescuer examination records and records of first-aid training for selected supervisory employees. Recordkeeping requirements are preserved for situations where hazardous conditions are discovered. The proposals are in accordance with the goals of the Paperwork Reduction Act of 1980.

DATES: Written comments on the proposals must be received on or before January 26, 1990.

ADDRESSES: Send comments to the Office of Standards, Regulations, and Variances; MSHA; Room 631, Ballston Towers No. 3; 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION:**I. Background and Introduction**

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., was enacted, in part, to minimize the Federal paperwork burden for individuals, small businesses and others on whom reporting and recordkeeping requirements are imposed. No agency may conduct or sponsor the collection of information unless approved by the Office of Management and Budget (OMB). Collections of information are generally subject to review and approval every three years. In exercising its responsibility to review MSHA paperwork requirements in 1987 and

1988, OMB approved extensions of the requirements related to mine rescue equipment, underground coal mine self-rescuers and first-aid training for selected supervisory employees on the condition that the Agency undertake regulatory review of these requirements. In addition, MSHA agreed to consider the fire drill record requirements for revision. These proposed rules address paperwork requirements only.

MSHA has reviewed these paperwork provisions and believes that the reporting and recordkeeping burden could be reduced while preserving the effectiveness of the underlying regulatory requirements and without reducing the protection afforded to miners. As discussed in more detail below, MSHA believes that recordkeeping and reporting for routine inspections and tests can be replaced in most cases with a certification that the inspection or test has been conducted; and that detailed records need only be maintained to document actual or potential hazardous conditions or other problems that require further attention.

II. Discussion of Proposed Revisions**A. Mine Rescue Equipment Test and Inspection Records (OMB No. 1219-0093)**

The ready availability of a mine rescue capability in the event of an accident is vital for protection of miners. Mine operators are required to maintain mine rescue equipment in a manner which will assure this readiness. A person trained in the use and care of breathing apparatus is required to inspect and test the apparatus at intervals not exceeding 30 days. Under 30 CFR 49.6(b), records of the results of the inspections and tests are required to be kept. There are approximately 800 underground coal and metal and nonmetal mines that maintain mine rescue stations. Each station is required to have 12 breathing apparatus. MSHA safety specialists estimate that it takes 12½ minutes to conduct the required test and inspection of each piece of equipment for a total of 2½ hours per month per rescue station. MSHA estimates the burden hours for this recordkeeping requirement to be 24,000 hours. MSHA proposes to replace the recordkeeping requirement with a requirement that the person performing the inspection and test certify that the inspections and tests were done. A record would be required where deficiencies in equipment are found.

B. Records of Fire Drills and Programs to Instruct and Train Miners in the Location and Use of Firefighting Equipment (Underground Coal Mines) (OMB No. 1219-0054)

Under 30 CFR 75.1101-23, operators of underground coal mines must submit to MSHA for approval a specific firefighting and evacuation plan designed to acquaint miners on all shifts with procedures for evacuation of all miners not required for firefighting activities; rapid assembly and transportation of necessary persons, fire suppression equipment and rescue apparatus to the scene of the fire; operation of the fire suppression equipment available in the mine; and signals that will be given in the event of an emergency. The standard also requires the mine operator to conduct fire drills at intervals of not more than 90 days and to keep records of the fire drills which include the date on which the drill was held, the number of miners participating, the area of the mine involved in the drill, the procedures followed, and equipment used. The standard pertains to 2,328 underground coal mines. Fire drills are required every 90 days and it is estimated that it would take 15 minutes to conduct the fire drill and 5 minutes to make the record. The average underground coal mine has 2 sections and 10 miners per section. MSHA estimates the burden hours for this recordkeeping requirement to be 40,320 hours. MSHA proposes to replace the recordkeeping requirement with a requirement that the operator certify that fire drills were conducted in accordance with the approved plan.

C. First-Aid Training; Supervisory Employees (OMB No. 1219-0085)

Under 30 CFR 75.1713-3, and 77.1703, each operator of an underground and surface coal mine is required to conduct first-aid training courses for selected supervisory employees. In addition, within 60 days after selection, the operator is required to submit a written report to the District Manager containing the names, job titles, and dates of training of all supervisory employees. The standard pertains to 5,585 mining operations. It is estimated that there would be one record per mine per year and that the recordkeeping would take 30 minutes to record. MSHA estimates the burden hours for this recordkeeping requirement to be 2,793 hours. MSHA proposes to replace the recordkeeping requirement contained in these standards with a requirement that the mine operator certify the name of the employee and date on which the

employee satisfactorily completed the first-aid training course.

D. Records of Results of Examinations of Self-Rescuers (Underground Coal Mines) (OMB No. 1219-0044)

Because of the rugged underground coal mining environment to which self-rescuers are subjected, the potential for these devices being rendered inoperative is high. In the event of a mine fire, mine explosion, or mine inundation, the use of self-rescuers can be the difference between life and death. Therefore, it is essential that these devices are examined regularly to achieve maximum assurance that they are maintained in usable and operative condition. Mine operators are required by 30 CFR 75.1714-3 to test self-rescue devices at 90-day intervals and to keep a record of the results of the tests. The estimated number of respondents per year is 2,328 underground coal mine operators with four reports annually by each respondent for a total of 9,312 responses. The estimated time per response for recordkeeping is 28 minutes and 38 minutes for examination for a total of 9,871 hours expended each year. MSHA proposes to replace the recordkeeping requirement with a requirement that the operator certify that the required tests were done. Records would be required only where defective devices are found.

III. Executive Order 12291 and the Regulatory Flexibility Act

These rules will not result in major cost increases nor have an effect of \$100 million or more on the economy. Therefore, these rules do not fall within the criteria of major rules and Regulatory Impact Analyses are not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, whenever possible, compliance alternatives that minimize adverse impact on small businesses when developing regulatory proposals. These proposed rules would reduce paperwork burdens on all affected operations, including small mines. Accordingly, the Agency has not conducted an initial regulatory flexibility analysis and, in accordance with section 605(b) of the Regulatory Flexibility Act, certifies that these proposed rules will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The collection of information

requirements contained in these proposals have been submitted to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980.

Comments regarding the collection of information requirements contained in these proposals should be sent to OMB, Office of Information and Regulatory Affairs, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for MSHA.

List of Subjects in 30 CFR Parts 49, 75 and 77

Mine safety and health, Reporting and recordkeeping requirements.

Dated: November 14, 1989.

William J. Tattersall,
Assistant Secretary for Mine Safety and Health.

Accordingly, Subchapters G and O, Chapter I, Title 30 of the Code of Federal Regulations, is proposed to be amended under 30 U.S.C. 811 as follows:

PART 49—MINE RESCUE TEAMS

1. The authority citation for part 49 is revised to read as follows:

Authority: 30 U.S.C. 811, 825(e) and 957.

2. Section 49.6(b) is revised to read as follows:

§ 49.6 Equipment and maintenance requirements.

(b) Mine rescue apparatus and equipment shall be maintained in a manner which will ensure readiness for immediate use. A person trained in the use and care of breathing apparatus shall inspect and test the apparatus at intervals not exceeding 30 days and certify that the inspections and tests were done. When apparatus is removed from service for repair, the person shall record the reason for the removal and the corrective action taken. The certification and the record of removal shall be maintained at the mine rescue station for a period of one year.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation for part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. Section 75.1101-23(c)(1) is revised to read as follows:

§ 75.1101-23 Program of instruction; location and use of firefighting equipment; location of escapeways, exits and routes of travel; evacuation procedures; fire drills.

(c) * * *

(1) The operator shall certify that the fire drills were held in accordance with the requirements of this section. The certification shall be kept at the mine and made available on request to an authorized representative of the Secretary.

3. Section 75.1713-3 is revised to read as follows:

§ 75.1713-3 First-Aid training; supervisory employees.

The mine operator shall conduct first-aid training courses for selected supervisory employees at the mine. Within 60 days after the selection of a new supervisory employee to be so trained, the mine operator shall certify the name of the employee and date on which the employee satisfactorily completed the first-aid training course. The certification shall be kept at the mine and made available on request to an authorized representative of the Secretary.

4. Section 75.1714-3(e) is revised to read as follows:

§ 75.1714-3 Self-rescue devices; inspection, testing, maintenance, repair, and recordkeeping.

(e) The operator shall certify that the tests required by paragraphs (c) and (d) of this section were done. Where self-rescue devices are removed for repair, the operator shall record the reason for the removal and the corrective action taken. The operator's certification and the record of removal shall be kept at the mine and made available on request to an authorized representative of the Secretary.

PART 77—MANDATORY SAFETY STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

1. The authority citation for part 77 is revised to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. Section 77.1703 is revised to read as follows:

§ 77.1703 First-Aid training; supervisory employees.

The mine operator shall conduct first-aid training courses for selected supervisory employees at the mine. Within 60 days after the selection of a new supervisory employee to be so trained, the mine operator shall certify the name of the employee and date on which the employee satisfactorily completed the first-aid training course. The certification shall be kept at the mine and made available on request to an authorized representative of the Secretary.

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S.J. Res. 198/Pub. L. 101-151

Designating November 1989 as "An End to Hunger Education Month". (Nov. 14, 1989; 103 Stat. 931; 1 page) Price: \$1.00

H.R. 3318/Pub. L. 101-152

To redesignate the Federal building in Houston, Texas, known as the Concorde Tower, as the "George Thomas 'Mickey' Leland Federal Building". (Nov. 15, 1989; 103 Stat. 932; 1 page) Price: \$1.00

H.J. Res. 35/Pub. L. 101-153

Designating November 5-11, 1989, as "National Women Veterans Recognition Week". (Nov. 15, 1989; 103 Stat. 933; 1 page) Price: \$1.00

H.J. Res. 435/Pub. L. 101-154

Making further continuing appropriations for the fiscal year 1990, and for other purposes. (Nov. 15, 1989; 103 Stat. 934; 1 page) Price: \$1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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Title	Price	Revision Date
1, 2 (2 Reserved)	\$10.00	Apr. 1, 1989
3 (1988 Compilation and Parts 100 and 101)	21.00	¹ Jan. 1, 1989
4	15.00	Jan. 1, 1989
5 Parts:		
1-699	15.00	Jan. 1, 1989
700-1199	17.00	Jan. 1, 1989
1200-End, 6 (6 Reserved)	13.00	Jan. 1, 1989
7 Parts:		
0-26	15.00	Jan. 1, 1989
27-45	12.00	Jan. 1, 1989
46-51	17.00	Jan. 1, 1989
52	23.00	² Jan. 1, 1988
53-209	18.00	Jan. 1, 1989
210-299	24.00	Jan. 1, 1989
300-399	12.00	Jan. 1, 1989
400-699	19.00	Jan. 1, 1989
700-899	22.00	Jan. 1, 1989
900-999	28.00	Jan. 1, 1989
1000-1059	16.00	Jan. 1, 1989
1060-1119	13.00	Jan. 1, 1989
1120-1199	11.00	Jan. 1, 1989
1200-1499	20.00	Jan. 1, 1989
1500-1899	10.00	Jan. 1, 1989
1900-1939	11.00	Jan. 1, 1989
1940-1949	21.00	Jan. 1, 1989
*1950-1999	22.00	Jan. 1, 1989
2000-End	9.00	Jan. 1, 1989
8	13.00	Jan. 1, 1989
9 Parts:		
1-199	20.00	Jan. 1, 1989
200-End	18.00	Jan. 1, 1989
10 Parts:		
0-50	19.00	Jan. 1, 1989
51-199	17.00	Jan. 1, 1989
200-399	13.00	³ Jan. 1, 1987
400-499	14.00	Jan. 1, 1989
500-End	28.00	Jan. 1, 1989
11	10.00	² Jan. 1, 1988
12 Parts:		
1-199	12.00	Jan. 1, 1989
200-219	11.00	Jan. 1, 1989
220-299	19.00	Jan. 1, 1989
300-499	15.00	Jan. 1, 1989
500-599	20.00	Jan. 1, 1989
600-End	14.00	Jan. 1, 1989
13	22.00	Jan. 1, 1989
14 Parts:		
1-59	24.00	Jan. 1, 1989
60-139	21.00	Jan. 1, 1989

Title	Price	Revision Date
140-199	10.00	Jan. 1, 1989
200-1199	21.00	Jan. 1, 1989
1200-End	12.00	Jan. 1, 1989
15 Parts:		
0-299	12.00	Jan. 1, 1989
300-799	22.00	Jan. 1, 1989
800-End	14.00	Jan. 1, 1989
16 Parts:		
0-149	12.00	Jan. 1, 1989
150-999	14.00	Jan. 1, 1989
1000-End	19.00	Jan. 1, 1989
17 Parts:		
1-199	15.00	Apr. 1, 1989
200-239	16.00	Apr. 1, 1989
240-End	22.00	Apr. 1, 1989
18 Parts:		
1-149	16.00	Apr. 1, 1989
150-279	16.00	Apr. 1, 1989
280-399	14.00	Apr. 1, 1989
400-End	9.50	Apr. 1, 1989
19 Parts:		
1-199	28.00	Apr. 1, 1989
200-End	9.50	Apr. 1, 1989
20 Parts:		
1-399	13.00	Apr. 1, 1989
400-499	24.00	Apr. 1, 1989
500-End	28.00	Apr. 1, 1989
21 Parts:		
1-99	13.00	Apr. 1, 1989
100-169	15.00	Apr. 1, 1989
170-199	17.00	Apr. 1, 1989
200-299	6.00	Apr. 1, 1989
300-499	28.00	Apr. 1, 1989
500-599	21.00	Apr. 1, 1989
600-799	8.00	Apr. 1, 1989
800-1299	17.00	Apr. 1, 1989
1300-End	6.50	Apr. 1, 1989
22 Parts:		
1-299	22.00	Apr. 1, 1989
300-End	17.00	Apr. 1, 1989
23	17.00	Apr. 1, 1989
24 Parts:		
0-199	19.00	Apr. 1, 1989
200-499	28.00	Apr. 1, 1989
500-699	11.00	Apr. 1, 1989
700-1699	23.00	Apr. 1, 1989
1700-End	13.00	Apr. 1, 1989
25	25.00	Apr. 1, 1989
26 Parts:		
§§ 1.0-1-1.60	15.00	Apr. 1, 1989
§§ 1.61-1.169	25.00	Apr. 1, 1989
§§ 1.170-1.300	18.00	Apr. 1, 1989
§§ 1.301-1.400	15.00	Apr. 1, 1989
§§ 1.401-1.500	28.00	Apr. 1, 1989
§§ 1.501-1.640	16.00	Apr. 1, 1989
§§ 1.641-1.850	19.00	Apr. 1, 1989
§§ *1.851-1.1000	31.00	Apr. 1, 1989
§§ 1.1001-1.1400	17.00	Apr. 1, 1989
§§ 1.1401-End	23.00	Apr. 1, 1989
2-29	20.00	Apr. 1, 1989
30-39	14.00	Apr. 1, 1989
40-49	13.00	Apr. 1, 1989
50-299	16.00	Apr. 1, 1989
300-499	16.00	Apr. 1, 1989
500-599	7.00	Apr. 1, 1989
600-End	6.50	Apr. 1, 1989
27 Parts:		
1-199	24.00	Apr. 1, 1989
200-End	14.00	Apr. 1, 1989
28	25.00	July 1, 1988

Title	Price	Revision Date	Title	Price	Revision Date
29 Parts:					
0-99.....	17.00	July 1, 1989	42 Parts:	15.00	Oct. 1, 1988
100-499.....	7.50	July 1, 1989	1-60.....	5.50	Oct. 1, 1988
500-899.....	26.00	July 1, 1989	61-399.....	22.00	Oct. 1, 1988
900-1899.....	12.00	July 1, 1989	400-429.....	22.00	Oct. 1, 1988
1900-1910.....	29.00	July 1, 1988	430-End.....		
1911-1925.....	9.00	July 1, 1989	43 Parts:	15.00	Oct. 1, 1988
1926.....	10.00	July 1, 1988	1-999.....	26.00	Oct. 1, 1988
1927-End.....	24.00	July 1, 1988	1000-3999.....	11.00	Oct. 1, 1988
30 Parts:					
0-199.....	21.00	July 1, 1989	44.....	20.00	Oct. 1, 1988
200-699.....	14.00	July 1, 1989	45 Parts:	17.00	Oct. 1, 1988
700-End.....	18.00	July 1, 1988	1-199.....	9.00	Oct. 1, 1988
31 Parts:					
*0-199.....	14.00	July 1, 1989	500-1199.....	24.00	Oct. 1, 1988
200-End.....	17.00	July 1, 1988	1200-End.....	17.00	Oct. 1, 1988
32 Parts:					
1-39, Vol. I.....	15.00	July 1, 1984	46 Parts:	14.00	Oct. 1, 1988
1-39, Vol. II.....	19.00	July 1, 1984	41-69.....	14.00	Oct. 1, 1988
1-39, Vol. III.....	18.00	July 1, 1984	70-89.....	7.50	Oct. 1, 1988
1-189.....	21.00	July 1, 1988	90-139.....	12.00	Oct. 1, 1988
190-399.....	27.00	July 1, 1988	140-155.....	12.00	Oct. 1, 1988
*400-629.....	22.00	July 1, 1989	156-165.....	13.00	Oct. 1, 1988
630-699.....	13.00	July 1, 1989	166-199.....	14.00	Oct. 1, 1988
700-799.....	15.00	July 1, 1988	200-499.....	20.00	Oct. 1, 1988
800-End.....	19.00	July 1, 1989	500-End.....	10.00	Oct. 1, 1988
33 Parts:					
1-199.....	27.00	July 1, 1988	47 Parts:	18.00	Oct. 1, 1988
200-End.....	20.00	July 1, 1989	0-19.....	18.00	Oct. 1, 1988
34 Parts:					
1-299.....	22.00	July 1, 1988	20-39.....	18.00	Oct. 1, 1988
300-399.....	12.00	July 1, 1988	40-69.....	9.00	Oct. 1, 1988
400-End.....	26.00	July 1, 1988	70-79.....	18.00	Oct. 1, 1988
35.....	10.00	July 1, 1989	80-End.....	19.00	Oct. 1, 1988
36 Parts:					
1-199.....	12.00	July 1, 1989	48 Chapters:	28.00	Oct. 1, 1988
*200-End.....	21.00	July 1, 1989	1 (Parts 1-51).....	18.00	Oct. 1, 1988
*37.....	14.00	July 1, 1989	1 (Parts 52-99).....	18.00	Oct. 1, 1988
38 Parts:					
0-17.....	21.00	July 1, 1988	2 (Parts 201-251).....	18.00	Oct. 1, 1988
18-End.....	19.00	July 1, 1988	2 (Parts 252-299).....	18.00	Oct. 1, 1988
39.....	13.00	July 1, 1988	3-6.....	20.00	Oct. 1, 1988
40 Parts:					
1-51.....	23.00	July 1, 1988	7-14.....	25.00	Oct. 1, 1988
52.....	27.00	July 1, 1988	15-End.....	26.00	Oct. 1, 1988
53-60.....	28.00	July 1, 1988	49 Parts:	13.00	Oct. 1, 1988
61-80.....	11.00	July 1, 1989	1-99.....	24.00	Oct. 1, 1988
*81-85.....	11.00	July 1, 1989	100-177.....	20.00	Oct. 1, 1988
*81-99.....	25.00	July 1, 1988	178-199.....	19.00	Oct. 1, 1988
100-149.....	25.00	July 1, 1988	200-399.....	24.00	Oct. 1, 1988
150-189.....	24.00	July 1, 1988	400-999.....	18.00	Oct. 1, 1988
190-299.....	24.00	July 1, 1988	1000-1199.....	18.00	Oct. 1, 1988
300-399.....	8.50	July 1, 1988	1200-End.....	18.00	Oct. 1, 1988
*400-424.....	23.00	July 1, 1989	50 Parts:	17.00	Oct. 1, 1988
425-699.....	21.00	July 1, 1988	1-199.....	13.00	Oct. 1, 1988
700-End.....	31.00	July 1, 1988	200-599.....	13.00	Oct. 1, 1988
41 Chapters:					
1, 1-1 to 1-10.....	13.00	July 1, 1984	600-End.....	13.00	Oct. 1, 1988
1, 1-11 to Appendix, 2 (2 Reserved).....	13.00	July 1, 1984	CFR Index and Findings Aids.....	29.00	Jan. 1, 1989
3-6.....	14.00	July 1, 1984	Complete 1989 CFR set.....	620.00	1989
7.....	6.00	July 1, 1984	Microfiche CFR Edition:		
8.....	4.50	July 1, 1984	Complete set (one-time mailing).....	125.00	1984
9.....	13.00	July 1, 1984	Complete set (one-time mailing).....	115.00	1985
10-17.....	9.50	July 1, 1984	Subscription (mailed as issued).....	185.00	1987
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19-100.....	13.00	July 1, 1984			
1-100.....	8.00	July 1, 1989	¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.		
101.....	25.00	July 1, 1988	² No amendments to this volume were promulgated during the period Jan. 1, 1988 to Dec. 31, 1988. The CFR volume issued January 1, 1988, should be retained.		
102-200.....	11.00	July 1, 1989	³ No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1989. The CFR volume issued January 1, 1987, should be retained.		
201-End.....	8.50	July 1, 1988	⁴ The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.		
			⁵ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.		

